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# Dixon's Address TO THE JURY

An argument for  
**LIBERTY of OPINION**

Being a speech by F. J. Dixon, M.L.A., in answer to an indictment charging him with publishing seditious libel, delivered in the Court House, Winnipeg, on the 13th and 14th of February, 1920.

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—LORD ERSKINE.

"Give me liberty to know, to utter, and to argue freely, according to conscience above all liberties."

—MILTON.

"This is true liberty, when free-born men, Having to advise the public, may speak free."

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February 13th, 1920.

2.30 p.m.

My Lord and Gentlemen of the Jury: We have been together now for some two weeks, and I would remind you at this time, that when the jury was being chosen there was a question asked with regard to the juror W. P. Jamieson "If there would be evidence at the trial connecting Dixon with the strike, would this prejudice apply?" to which his lordship replied: "I don't know that is a question to ask; we are not trying him for the strike." Now, I shall leave it to you to judge of all the evidence that has been put in here in connection with the strike and you will understand, if I take up more time than you would wish to stay, it is because a great deal of irrelevant matter has been admitted into this case, and you will understand it is not my fault—for you know I have objected from time to time to a great many matters I have considered irrelevant and much of that connected with the strike. The court at that time said I was not to be tried for the strike.

However, you are seized, gentlemen of the jury, with a great responsibility. You are the last hope of the subject in the matter of his personal liberty, and when all other things have failed he must place his hope in the judgment and conscience of the jury. It is fortunate for me that some of my speeches have been preserved and have been put in evidence. Had we to depend on the scattered notes of men who were sent out to different meetings to spy upon the proceedings and hear what was said,—they did not take notes at the meetings but went and wrote those notes two or three hours afterwards,

—I think a man would have a very difficult time to clear himself of some of the things that were laid against him; but I think you will understand evidence like that is not very reliable evidence of what was said. You will remember that so far as the Walker speech was concerned there were two or three sentences that were put in, and I think you will agree with me that when the full speech was filed it put a very different complexion on the whole matter, and I ask you to remember that, in regard to the Walker Theatre meeting, that is the only complete speech you have. You will remember that Lamont who read from the Telegram a report he had made a year ago, when he was asked what he had remembered about Blumenberg, said he remembered Blumenberg advocated Soviet government for Canada. When I asked him to find that in his report made that very day, he could not find it and I am going to ask you what value is such evidence as to whether Blumenberg advocated a Soviet Government. It is not of very much value.

I want you to assume that if he had heard Blumenberg advocate a Soviet Government for Canada, he would not only have put it in his article, but in the headline, so that everybody could see it as a very startling piece of news. I hope to deal with that later on. I want to deal with the speech of July 20; that is the one in which I referred to the right of trial by jury. I think you will see from that speech, from which I shall read very briefly, what I think of trial by jury as the last hope of the liberty of the subject. I am not going to read it in its entirety but a portion of it.

#### TRIAL BY JURY HAS BEEN ABOLISHED

"Trial by Jury has been abolished in Canada. That bald statement of fact without elaboration, should be sufficient to arouse public resentment to such a pitch that the Dominion Government would be compelled at the next session of Parliament to repeal that infamous amendment to the Immigration Act, by which men have been robbed of a fundamental civil right. Meanwhile we should insist, as far as in our power lies, that the victims of this vicious amendment should be given fair play, and we should attempt by force of public opinion to make the government suspend the operation of that amendment until such time as it can be obliterated from the statute book. We, the people of Canada, must make it our business to

restore trial by jury in this country. Trial by jury developed in Great Britain as a constitutional protection of the subject against the tyrannies of kings and ministers. Its exact origin is clouded in the mist of antiquity, but about the beginning of the thirteenth century, we find trial by ordeal falling into disuse, and trial by jury beginning to evolve. At first the jurors were witnesses, neighbors of the accused, who were called to testify as to the facts involved and the character of the accused. They were then selected on account of their knowledge of the circumstances. Now they are not supposed to have previous knowledge of the case but to be judges of the evidence produced in court, with power to declare the accused either "guilty or not guilty." It was about the middle of the fifteenth century that the jurymen ceased to be witnesses,—the jury ceased to be a jury of proof and became a jury of judgment.

On many occasions juries have protected the rights and liberties of the people against the invasion of tyrants.

Harking back to British history we find repeated attempts to destroy trial by jury. It was the denial of justice under King John which led to the insertion in the Magna Charta of that memorable article, that lies at the base of our whole judicial system. It ran: "No free man shall be seized or imprisoned, or disposed, or outlawed, or in any way brought to ruin; we will not go against any man, nor send against him, save by the legal judgment of his peers or by the law of the land." Another clause reads: "To no man will we sell, or deny, or delay right or justice."

Charles I was condemned because he made arbitrary imprisonment by star chamber methods. Shall trial by jury, which our forefathers successfully defended from the assaults of King John and Charles I, be taken from us by the political trickery of Jim Calder, Arthur Meighen and their fellow conspirators against the people? It took many centuries to secure the protection of trial by jury. It required the highest efforts of noble men, Stephen Langton, Pym, Hampden, Wilkes, Erskine, Fox and a host of others. Shall we now allow it to be destroyed by those assassins of liberty who misgovern Canada?"

I will not read any more from that; I want to say that in respect to my standing there strongly for the right of trial by



jury, any hard words I have to say against those who occupy places of power is not to vilify the government, but to purify it. We hold in British countries that we are free to criticise the government, in fact it has been called government by discussion, and if we are going to have government by discussion we must have an opportunity of criticising the government. In order to purify the government we must have this right to criticise men who may be in power for a short time. Men come and go, but the government remains and we must retain that right to criticise the action of men if we are to preserve the boasted honor of British institutions.

You are the last hope of the subject in this matter. Whenever there is a question as to whether this is a fair discussion or an unfair one, it comes finally to twelve men in the jury box and so far as the law is concerned, a man in a British country is free to say anything that twelve of his fellow countrymen think he is entitled to say under the circumstances. That is to say, if you take these very articles with which I am charged, and review the circumstances, and read them over and come to the conclusion I was entitled to pass these remarks, that I was not exceeding freedom of speech, then you will have the right to bring in a verdict of "not guilty," and it is you who are to make the decision, it is you who shall say, and if you think I was entitled to make these remarks no one else can say me nay. I want you to remember that your own liberty is also involved, for if I had not the right to make these remarks then no one in Canada had a right and you have your own liberties to consider as well as the liberties of every one in this Canada. It is a big question, and you will deal with it according to your conscience and judgment.

I have undertaken a great responsibility in assuming to defend myself. I believe it is a proverb in the legal profession, that a man who defends himself has a fool for a client; however I have taken that responsibility and taken the risk.

While I know there is some personal risk in the matter, there is a more important thing, and that is the public interest, and I am hopeful the public interest will not be injured through my body. I do not wish to do anything that may restrict freedom of speech or of press in this country, and if I do perhaps get a little warm at times, and emphatic, I do not

want you to hold that up against me, but take it all into your consideration and give your judgment in what you consider to be the public interest and welfare. I am, of course, strengthened in the feeling of innocence upon this occasion by the knowledge of the fact that under British law every man is considered innocent until he has been proven guilty; that is one of the fundamental principles of our British law, and I must say while I have listened to the evidence that has been put in and the terrible arraignment that has been made against me my conviction of my own innocence has been confirmed and I feel a double security in my own sense of innocence and the declaration of British law that every man is innocent until he has been proven guilty.

Now this charge of seditious libel is very vague. It is what you might call a sort of blanket charge. It is true I did find some fault with the indictment that it was not specific enough, that it should have alleged what particular form of seditious libel I was accused of, whether of maligning His Majesty or stirring up disaffection against His Majesty's government or speaking disrespectfully of the officials of the crown or of attempting to secure some unlawful object by unlawful means—there are so many ramifications and general, not specific, accusations are made in the indictment. This is a general indictment, a sort of omnibus indictment, and somewhere within the four corners of seditious libel they hope to find something upon which Dixon may be convicted. I think, gentlemen, before I have concluded I will be able to show you that even that is not possible, at least I hope so. That will be my endeavor. It seems they were not satisfied with that; while I am charged with seditious libel I have been also accused of every crime there is in the calendar. I think I have been accused of everything: hypocrisy, blasphemy, distributing seditious literature, attending unlawful assemblies, riotous assemblies, rebellious conspiracies and every other thing that is in the Criminal Code; and I am supposed to meet these charges. I shall meet them as best I may and I trust I may meet them satisfactorily but I do want you to get in mind that I am not charged with these things, but that I am charged with publishing a seditious libel. These three particular articles published upon a particular date—it is with them you are to find me either guilty or not guilty. I say it is a vague charge. In the time of Charles II, coffee houses were forbidden not be-

cause His Majesty had any dislike to coffee houses, but because coffee houses were claimed to be hotbeds of sedition. At the end of the 17th century, men were accused of sedition if they advocated adult suffrage and said every man over 21 years of age should have a vote and a learned judge on the bench said men advocating that were attempting to overthrow the British constitution. This is a vague and wide charge, but so far as I am concerned, it only deals with these particular articles with which I am charged at this time, and I want to say that so far as these charges of libellous and seditious utterances are concerned, they were becoming rarer and rarer as the days went by until recently.

When Mr. Phillipps wanted to give a definition of sedition he had to go back a hundred years, when there were many prosecutions for sedition. Since one hundred years ago there have been very few. In the case of *Rex. v. Trainer* it was said there had been more such cases in Alberta in the last two years than there had been in the last hundred years in England. There had to be some clear cause before there was any hope for a successful prosecution, so it had been rare until the last year or two, when it has been revived. I want to submit that it is not in the best interests of the country that prosecutions for seditious articles should be revived unless there is some substantial ground for the prosecution, which I hope to show you there is not in this particular case. As to whether I should be charged with seditious libel and then alleged to be a member of a conspiracy, I shall leave you to draw your own conclusions.

I call your attention to the fact that I was served with notices that in regard to publishing seditious libel some 70 or 80 witnesses would be called and then notified 30 or 40 would not be called and then 10 others would be called, and then two days later 2 more, and then on the 20th I received notice there would be some 377 documents filed in the case, and I would have an opportunity to peruse them if I wished.

So far as the majority of these documents are concerned, 99 per cent. of them I have never seen in my life, and I do not want to see them again. I do not want to read that kind of literature even at the invitation of the crown counsel, but we will deal with that more fully later on. I want you to draw your own conclusions in regard to that matter.

I want to emphasize the fact again that so far as liberty of opinion is concerned, that is what is on trial, I contend. Liberty of speech and the press have been secured by the fearless action of British juries and Canadian juries, and they can only be preserved by the same method.

I must say, when I was arrested and charged with this crime, that I felt somewhat annoyed, but when I started to study the law and history books in order the better to prepare myself for my defence against this false accusation. I then began to consider that after all I had been thrust into rather illustrious company, for I found most of those who had led the fight for freedom had at some time or other been arrested and charged with uttering some opinions, and a great many had been thrown into jail, and I realized that this was what appeared to me to be a rear attack upon the forces of liberty. In the van were men of whom I can only be a humble follower. I recognize the great Erskine referred to by counsel for the crown, who a hundred years ago made the courts of England ring with his eloquence in defence of men who had been charged with publishing seditious libel, and it was owing to Erskine's efforts there was finally secured in England what is known as the Fox libel law, under which the jury is given the power of judging the whole matter in the case of seditious libel. Previous to that time all the jury had to consider was whether the articles were published or not and it was left for the Judge to say whether they were published with a seditious intent or not. There was a long, arduous battle over that, but finally, as a result of the efforts of Lord Erskine, Mr. Fox introduced the famous libel law under which the jury had the right to hear and judge of the whole matter.

(Mr. Dixon reads from Statute 32, George III., Chap. 60.)

Now, you may have some difficulty with this particular indictment, because there is no sense ascribed. The seditious libel should be directed to a certain object, with a certain end. It is not set out here, but in a general term of seditious libel. However, you will recognize your power in the matter.

By reading over the different books of law and history, I realize the truth of Erskine's statement when he said that "other liberties may be held under government, but liberty of opinion keeps governments themselves in subjection to their own duties. This has produced the martyrdom of truth in

every age, and the world has only been purged from ignorance with the innocent blood of the men who have enlightened it." That may seem a strong statement.

If we glance over history, we will soon realize the truth of it. We will realize, for instance that Socrates—whom we now call Socrates the Great, Socrates the Wise—was put to death by the men of Athens, who compelled him to drink the poisoned cup of hemlock because they said he corrupted the youth of Athens by his teachings, and yet those very opinions have been the evidence from which the rest of mankind have placed Socrates in the forefront of the world's philosophers, because he put forward the opinions for which, by the men of his day, he was done to death. We find also that Galileo, who had the courage to assert that the sun did not move round the earth but that the earth moved round the sun, because he made that assertion was thrown into jail, and because he supported Galileo's assertion Bruno was burned at the stake. Yet we are of that opinion in the present age. Then there was Milton, who ventured to have opinions. He is considered to be one of the brightest stars in the literary firmament of the British Empire, but we must not forget that he was thrown into jail and persecuted for his opinions.

Then we come to the abolition of chattel slavery. Wendell Phillips and William Lloyd Garrison were dragged about the streets of Boston with ropes around their necks because they chose to advocate the abolition of chattel slavery. We find the same thing in many other countries.

We come to our own Canada. We heard some reference this morning to Mackenzie and Papineau. They are not remembered so much because they were rebels, but because they established responsible government in Canada. We know, if we read our history carefully, that there was in that day what is known as the family compact that did monopolize the power of the country. The farmers were not satisfied. They desired a more representative form of government, and it was because of that Mackenzie and Papineau were able to lead the disaffection, if you like, against a government and bring it to such pitch that some notice had to be taken of it, and a responsible form of government was established and took the place of the old family compact. We have got to the point

where we have the right to elect our own representatives. I think it should not be forgotten that no matter how Mackenzie or Papineau came back, the fact is that though they were driven from their own country as rebels, they did come back to this country and were elected to the government of this country and helped to destroy privileges which maintained that old family compact. While branded as rebels in those days, they have statues in parliament grounds today, and are considered fit subjects for the pen of the poet and the skill of the sculptor.

Then there is Howe, who was prosecuted by the corrupt magistrates whom he exposed in his day. By the way, he successfully defended himself, and I hope to perhaps follow his glorious example. He is now proclaimed as Nova Scotia's noblest son. So when we look at the line of men who have been persecuted on account of expressing certain opinions, I think I am justified in saying I have been thrust into a somewhat glorious company. I was not anxious to be thrust there, but having been thrust there, I am not going to be ashamed of the company, and I hope the company will not be ashamed of me.

You heard one of the witnesses here, Sergeant McLaughlin, confirm that statement of Dr. Bland's that he made in the Industrial Bureau, when he said that he was a student of religious history, and that from his close study of religious history he had found out that all the apostles had been in jail except one, and the name of that one was Judas. So you see a great many men have been cast in jail and persecuted and treated that way by men of their own day who today are looked upon as the idealists and leaders in the world of thought and action.

So with these glorious examples before me I shall not fear the eloquence of Mr. Phillipps. I know when you have considered how hardly this liberty of opinion has been won, and what sacrifices have been made for freedom, it is something you will not lightly surrender.

I do feel perhaps at this time I should take a moment, if I may, to remove some of the prejudice that may have been created in your mind.

I will give Mr. Phillips the credit for intending to be fair, but at the same time I submit it is hard to give him that particular credit when I review the way in which this trial has been conducted. I am charged with a certain thing in the indictment, but instead of being very anxious that the jury should get the indictment, you will remember I had to insist for several days before I got a copy of this indictment for you; in the meantime a certain amount of literature had been given you to read of an entirely different kind to that in the indictment. It seemed to me while I was charged with one thing there was at least the appearance of attempting to get your minds away from that and adverted to something else. If I put it this way, when children at school we might take a red disk, for instance, and say, "Look at that disk hard for a few minutes," and then tell the child to look at the white wall and he would see there a red spot. I submit to you gentlemen, and I ask you to assume there was nothing particularly vicious in these articles, but perhaps it may have been hoped by flashing a certain kind of red literature before your vision, if, after you read them, they did not look red, they would look a little bit pink, but we will get away from that and deal with it later on.

At the present time I want to submit to you that I am not being tried for my political opinions. While I shall be at some pains in defending the liberty of the press, I want you to understand that I have suffered the full measure of abuse of the liberty of the press in my own person, so much so that many men I have met cannot realize that I am really the Dixon they read about in the newspapers. You would imagine from their countenances when they meet me that some expect to see me with a tail, hoofs and horns, and a hay fork in my hands. You are not trying me for whatever vision you have got of me through the newspapers. These newspapers are controlled by men holding different opinions to what I do; they are controlled by the forces that exploit labor.

Mayor Gray, when speaking to the soldiers in Victoria Park, said that perhaps it was a good thing the press was shut off a few days at the early part of the strike, and we have evidence that Premier Norris said he did his best to shut off the misrepresentation appearing in the press during the strike—so something is recognized by others than myself that news-

papers misrepresent and distort. I ask that you will put these press opinions out of your mind—that you will find your verdict on the indictment. If I am not guilty of publishing these seditious articles claimed, then I am not guilty. If I am, my guilt must be established on these articles themselves. It cannot be read in.

Now, Mr. Phillipps, in his opening address, said the condition prevailing in Winnipeg when these articles were written was something akin to a dry field; that the writing of these articles was like throwing a match into the dry field. I think you can learn from the evidence of the Strike Bulletin, so far as my articles were concerned, and speeches—you have had evidence upon them from the crown witnesses—they were to do nothing, avoid violence, keep the peace, not throw matches into the dry field, and they were seeking to avoid any particular trouble along that line. I shall point out to you that in the articles in question, instead of throwing matches into a dry field, I was attempting to prevent others throwing matches into that dry field. I shall hope to point that out when we read the articles themselves. Mr. Phillipps says while charging me with publishing seditious libel he would attempt to establish a case of seditious conspiracy and take some time to build up this case. I call your attention to the words "build up"; he was going to build up a case showing that unconsciously he realized that he had no case so far as seditious conspiracy was concerned. It was something that had to be built up. It was something that I was not charged with. Then Mr. Phillipps proceeded to "build up" a case of seditious conspiracy, and he took about two weeks to do it, and about one day out of the two weeks to deal with seditious libel, and I am going to suggest to you when he was building up this case he was not building it up with real bricks, but with painted paper bricks, and I hope, before I am through, that you will be able to take away those bricks and artificial arrangements and look at these charges and see what is really in them.

What I want you to do, gentlemen, so far as these articles are concerned, is to brush aside everything that is artificial and theatrical, and take and judge these articles as you would judge them if you were behind the barn or haystack, or by the kitchen fire after the chores were done. What would you think of them then? That is the judgment I want you to render upon this occasion.



I want you to judge this indictment just the same as you would judge a horse—if you were going to judge a horse it would not make any difference whether the horse were put in a red barn with red curtains around the stall and red lights flashed on; if you wanted to judge the horse you would say bring him out in the open; you do not care whether it was an old broken down barn or not. I want you to take these articles out and look at them with your natural vision and leave the flash lights and get where you can see whether they were legitimate criticisms at that time.

Then we have Mr. Phillipps' closing address, and I am going to deal with that at some length now. In the first place, there is an insinuation that because I wrote an article called "Governmental Stupidity," in which I said the governments must have known this thing was coming since last January, therefore I must have had some knowledge not available to the general public. Now, I want to submit to you, gentlemen, that anyone who was moving around in political circles at that time knew that trouble was brewing (and I am going to ask you, even if I was in the Trades and Labor Council, speaking about the Industrial Commission, I am going to ask you to believe that the proposal to establish that Commission was with a view to settle differences at that time), that strike could be seen coming, and the Norris Government suggested that as a means of avoiding strikes and settling them through the commission. That is the idea of the Industrial Commission proposed in January; and I am going to admit that I went down to the Trades and Labor Council—although I very rarely went down there—I was not a member, but I did go down to tell them about this particular Bill of the Industrial Commission; so you realize other people besides myself must have known, if they used their intelligence, that unless something was done there would be trouble later in 1919. I want you to see when people realized trouble was brewing, that Industrial Bill was introduced into the House, and we have evidence here to show that the Trades and Labor Council opposed the bill at that time, and for reasons that are going to be remedied at the present session, they opposed it. We have the evidence of the crown witnesses that later they did, from the Strike Committee, appoint two men to that Industrial Commission in order to try and effect a settlement. At that time their efforts to put men on that commission were brushed on one side and were

not accepted. I am going to read to you the article on "*Governmental Stupidity.*"

"Dickens said that the great principle of governments consisted in finding ways and means 'How not to do it.'"

Apparently governments still operate on that principle.

This strike has been looming up since January. Everyone knew it would come if nothing was done to avert it and nothing was done.

Ottawa appears to have adopted an attitude of ignominious isolation. Premier Borden at the peace conference sets his signature to the principles of freedom of association for the workers and the right to a decent living wage, but when he returns to Canada and finds the country convulsed with a struggle for those very principles he folds his arms and says: "This is a matter within the jurisdiction of the provinces." He has found out "how not to do it."

#### MANITOBA GOVERNMENT EQUALLY

The recent record of the Norris government indicates that it also is wedded to the great principle of "how not to do it."

Labor asked for legislation permitting peaceful picketing similar to the British Trade Disputes Act which has been the law of that realm for twelve years. The Norris government was prompted to introduce an Industrial Condition Bill giving a council of five the power to forbid sympathetic strikes. This bill was opposed by Labor, and in order to induce its acceptance the government added clauses, in the form of a schedule, giving the council power to permit or withhold the right of peaceful picketing. Instead of mollifying Labor this sharp practice increased the opposition to the Industrial Conditions Bill. The government had hit upon the right plan of "how not to do it."

#### APPROACHING THE CRISIS

The government stood by until there was an open rupture in the building and metal trades. A strike was called in those industries on May 1st. Still the government stood by like a disinterested spectator. Organized Labor decided to

support the building and metal trades employees in their demands for recognition by the employers of their chosen representatives, and the right to a decent living wage.

A general strike vote of the various unions was taken, and May 15th was getting near before the government began to move.

On or about May 13th Premier Norris presided over a conference between the employers and employees in the building trades, the upshot of which was the decision of the employers to no longer recognize the building trades council, but to insist on dealing with each union separately.

At the same time Mayor Gray presided over a meeting of metal trades employers and employees, where the employers declared their policy to be non-recognition of the metal trades council.

### THE NIGHT BEFORE

Late on the night of the 14th Premier Norris, it is asserted, called up James Winning, president of the Trades Council, to know if the general strike could be called off if the employers could be induced to recognize the chosen representatives of their employees.

### TOO LATE! TOO LATE!

This was about 11 p.m. The strike was called for 11 o'clock the next morning. "It was too late," said President Winning, and he was right; the strike could not have been called off at that hour. Nevertheless, if the government had succeeded in getting the employers to deal with the chosen representatives of the employees the strike would have been short and sweet. But the government seemed to say: "Let her go," and she went far beyond their expectations.

### ATTEMPTS TO SETTLE

For the first week the strike committee held the strike almost exclusively to Winnipeg while endeavoring through Senator Robertson, the Provincial Government, and the City Council to get a satisfactory settlement.

## ENTER THE ONE THOUSAND

Now appears the committee of one thousand, which apparently convinced the authorities in general that this was not a strike but an attempt at revolution. They fell for that suggestion, and wrapping their constitutional cloaks around them, appeared to assume that the attempts of the strike committee to reach a settlement were a sign of weakness, and with one accord shouted in chorus: "We can do nothing until you call off the sympathetic strike." Ultimatum after ultimatum followed in quick succession, so, foiled in its attempts at settlement, the strike committee was forced to adopt a policy of spreading the strike.

## A NEW PHASE

Workers by the tens of thousands outside of Winnipeg have rallied to the support of their brothers. As their numbers have increased the strikers have waxed more enthusiastic. Thousands of returned soldiers have demanded that the provincial government attempt a settlement and that the city council cancel its ultimatums.

The situation is tense. Everyone realizes now that a strike that has continued for nearly three weeks in a perfectly peaceful and orderly manner bears no shadow of resemblance to revolution. But the governments have issued their ultimatums and they hate to withdraw them. They have taken the line of action least likely to end the strike.

## A RAY OF LIGHT

A conciliation committee of the running trades is now attempting to solve the problem and break the deadlock.

It may be that this committee will discover the key that will open the deadlock and make a satisfactory settlement. This committee may be able to save the faces of the governments that have blundered so stupidly. One thing is certain. Labor will not waive its demands for the recognition of collective bargaining, a decent living wage, and the reinstatement of all strikers.

Labor will insist on those terms. Those terms in full, and nothing but those terms will end the strike."

I want to point out to you that Dickens was not arrested

for seditious libel because he said what I have read you out of that article.

Now you see there is a reference to the Industrial Council. I also want to call your attention to the further reference to the metal trades and building trades dispute.

### THE METAL TRADES DISPUTE

"In the case of the metal trades dispute the fight is a long one. They struck a year ago, and were backed neither by organized labor nor the public. The public was wholly indifferent if it ever heard of the strike. They lost the strike. This year they presented their schedules nearly three months before the strike was called.

The bosses have never to this day acknowledged the receipt of these schedules. They wrote to each individual employee and said it was impossible to recognize their metal trades council. They refused point blank to even discuss the terms of the schedule. When a date was set for a strike the executive of the metal trades approached the executive of the Trades Council, and at their request the strike was postponed long enough for a delegation to attempt to avoid a strike by approaching the bosses. When this failed, the strike was called in the plants that refused to recognize the unions. But, where the schedules were signed, the men remained at work.

They asked no help from other unions until the bosses made it clear that they could shut down their shops indefinitely and so starve out the employees.

### THE BUILDING TRADES DISPUTE

The issue was different with the building trades. Their unions and council were recognized. But, they were told, their demands, reasonable as they were, could not be granted because of the opposition of the bankers. Moreover, unless the workers accepted the smaller increase—exactly half of what was asked—the employers would refuse to recognize their building trades council, and would break them one at a time. This they believed they could do, because there was little building that had to be done.

It was at this stage that these men asked for the assist-

ance of the whole of organized labor.

Before the sympathetic strike was called Labor was steadfastly trying to effect a settlement with the bosses, but without avail."

The strike was called on the 15th of May. Three months before schedules had been submitted—that would be February 15. I am going to ask you to accept they were negotiating since January.

I just want to emphasize that there is an explanation why I should say in the article on "Governmental Stupidity" this thing was looming up since January when you take into consideration the question of the Industrial Commission and the activities in the building trades and metal trades when they came out on strike. I think the building trades came out on the 1st of May and the metal trades on the 2nd of May.

Now, there has been some reference, and I want to point out to this as to the fairness of the prosecution, a great deal of reference has been made to David Rees. David Rees was at the Quebec Conference and Majestic Theatre and Miners' Conference and Calgary Convention. Did it ever happen he was present at a meeting where I was? Has he been arrested for seditious libel or having seditious literature or being connected with an unlawful federation? He is an organizer for the United Mine Workers of America. He is an international officer, and while he was present at this meeting, I was not present. I want to ask if it is fair to associate him with me. I do not know whether he is a fellow conspirator, as they say, but I do not think it has been shown I was present at any meeting where David Rees was present. That holds for quite a few more. Take Midgeley or Knight or Stevenson—they were not present.

Has it ever been shown to you whether I am going to be responsible or you want to be responsible for the action of someone else's wife? I was never shown to be present at a meeting where Mrs. Armstrong was present. You look all over these letters and wires that were put in as evidence of conspiracy and you find my name only once, and when Bob Russell said, I happened to be present at the Walker theatre meeting, why, the very evidence itself shows I am not guilty of conspiracy. If there was a conspiracy and I was in it, don't you think my name would appear more than once? Don't you think

with all their spy system they would find a letter from one person to me? There is not one letter written by me or to me—only one or two letters in which my name happens to appear, and I ask will you convict a man on evidence like that?

Then we have the Walker theatre meeting, and I am asked why I did not run down to the attorney-general and inform him it was a seditious meeting. The attorney-general is supposed to know his business, and if I had gone down he might have told me to mind my own business, for the evidence of witnesses was to the effect they went there to listen to speeches in favor of repealing orders-in-council and releasing political prisoners and recalling troops from Russia. I want to submit the witnesses themselves testify that, in the main, these three resolutions were carried out. When the people came out of that meeting they did not go to the Parliament Buildings or wreck a house; they went home quietly, according to the evidence. I am going to read my speech at the Walker Theatre, so you may judge for yourselves whether it is seditious or not. I want to ask you if you think a man has a right to speak like this.

#### DIXON'S SPEECH AT WALKER THEATRE ON THE RELEASE OF POLITICAL PRISONERS

"I do not believe that a man who follows the dictates of his conscience is necessarily a criminal. That is the main reason why I ask your support to this motion in favor of liberating all political prisoners. Shakespeare said;—"To thine own self be true and it shall follow, as the night the day, thou cannot then be false to any man." Men who are willing to suffer the tortures of the penitentiary rather than be false to their inner convictions cannot be bad citizens. The greatest danger to this, or any other country, are those unscrupulous men who stifle the voice of their own conscience while they suck the life blood of the nation.

These men whose liberation we seek were sent to jail because the powers that be thought that in some way they were giving aid and comfort to the enemy. Personally I think those responsible for the Ross Rifle, defective shells, shoddy clothes, paper boots, and the whole black record of profiteering and graft gave ten thousand times more aid and comfort to the enemy than all the socialists and conscientious objectors put together. But the malefactors of great wealth are not in jail. The Rosses, Allisons, Flavelles, and the

shareholders in the Crescent Creamery still have a place in the sun. It is only the poor men who had religious or economic objections to war and those who violated one of the numerous Union Government Orders in Council who are in jail.

With regard to the first class. When the Government passed the military service act it recognized that there were conscientious objectors and specifically exempted members of certain religious organizations from military service. Those men who were exempted have remained free. It is only the unfortunate C.O.'s who did not belong to one of the exempted organizations who are in jail. This is, to say the least, rank discrimination. Either all C.O.'s should be in jail or all should be free. Respecting those who were imprisoned for violating orders in council. Any one who will take the trouble to read over some of those orders will thank his lucky stars that he is still free. For example in one of them it is made a crime to attend any meeting at which abusive language is uttered as to the established form of the government in Canada, or language tending to bring the form of government into contempt, scorn, contumely, or disrepute. I rather think it might be possible to convict the members of the government under the terms of their own order in council for saying things tending to bring our form of government into contempt, scorn, contumely, or disrepute. Government by order in council is certainly not strengthening the faith of the people in our form of government. But let that pass. Whatever excuse there may have been for orders in council and jail sentences for offenders has certainly vanished with the signing of the armistice.

No good purpose can be served by keeping these men in jail. After what they have already suffered it should be evident that punishment will not change their convictions. On the other hand continued punishment may well make them bitter and more rebellious for, as Oscar Wilde says—

"The vilest deeds like poison weeds

Bloom well in prison air;

It is only what is good in man

That wastes and withers there;

Nor will the detention of these men prevent the ideas they hold from spreading. In fact it is likely to have the




opposite effect for "the blood of martyrs is the seed of the church." History is replete with examples of the futility of attempting to imprison ideas. To take two recent examples. The Czar of all the Russians sent those who challenged the supremacy of his State to Siberia—we have seen with what result. The Kaiser imprisoned those Germans who dared to challenge the supremacy of his State—we see the result of that also. Oppression brings its own peculiar reward. Whether the ideas these men have be right or wrong the fact is that ideas cannot be killed by imprisoning the men who hold them.

The imprisonment of those who hold unpopular opinions is the negation of democracy. While these men are in jail not one of us is really free. It was their turn yesterday. It may be ours tomorrow. It is easy to stand for free speech for those who think as we do—the Czar or the Kaiser would go that far—but the acid test of our faith in democracy is that we insist on free speech for those whose ideas are contrary to our own, and that is the only safe course to pursue if we would preserve our own freedom for who knows when he may want to say something that is unpopular. Nor is it in the interest of the nation that unpopular ideas should be suppressed. Time and time again ideas unpopular when first promulgated have finally become popular and have been put into practice with beneficial results. Human beings are not infallible and we should be careful that in attempting to destroy what we believe to be false ideas we do not strangle some great truth. In a democracy there should be the utmost freedom of expression and we may rest assured that the common sense of the whole people will sift the chaff from the wheat—reject the false and hold fast to the true. What a calamity it would be if we should continue to punish men who dare to be true to their honest convictions and reward those who are false to themselves. I know of no better way to breed a nation of hypocrites and knaves.

For the sake of the men in jail, for your own sakes that you may not be in jail, and for the sake of the nation that it may not gain the reputation of rewarding its hypocritical knaves with titles and its honest men with shackles, I ask you to support this motion in favor of liberating all political prisoners."

There you have the speech itself, and if you wish to consider whether it is seditious, I wish you to take it and read the document over.

So far as this Walker Theatre speech is concerned, I simply want to ask you whether you agree, for instance, when I say "I do not believe a man who follows the dictates of his conscience is necessarily a criminal"—do you believe that a man who follows the dictates of his conscience is necessarily a criminal, and do you consider it is seditious to make such a statement? Do you consider it seditious to say that "the Rosses, and the Flavells, and Allisons, and shareholders in the Crescent Creamery company have a place in the sun"? If they have, is it sedition to say they have? Has it come to the day when we cannot point to the profiteers and shine the white light of publicity on them? Is it seditious to point out what we consider to be bad influences in the nation, in the hope that these things will be improved and the general welfare promoted? I want to ask if you think that is sedition or whether you do not? What do you think of the statement that if some of the conscientious objectors are in jail all ought to be in jail? We have always been taught that British justice does not discriminate between man and man, and that if one man is sent to jail for committing a crime all men who commit that crime must go to jail. Would you agree with that proposition that all must be treated the same? Would you agree also with the statement that time and again ideas unpopular when first promulgated have finally become popular and have been put in practice with beneficial results? Is that sedition? Well, they used the early Christians to light the streets of Rome; they persecuted the Christian idea. It was unpopular in Rome. The Roman rulers did not like it, so they took the Christians and burned them, and threw them to the lions, and did a good many other things. The Christian idea was unpopular, but it prevailed. Ask yourself that, and then ask whether it is seditious to say that ideas once unpopular have become popular, and therefore we should not be rash and hasty in prosecuting what we consider to be unpopular ideas. Take the statement and look upon it, on its merits, and say whether you think it is a seditious document or not. Then I want to deal with the question of political prisoners. It has been suggested that it was someone else, and I want to ask if you think it is a fair reading Mr. Phillipps gave of the Calgary conference? There were some things he left out.



In dealing with the political prisoners, and, by the way, there is no showing of any meeting with Kavanaugh at which I was present, Kavanaugh is reported to have said:—

"I may say, in the opinion of the committee, a prisoner under the Military Service Act is a political prisoner. It is a political affair as distinguished from a common criminal."

Why did not Mr. Phillipps read the next paragraph, where the delegate said "Under the common law of Canada they are not considered political prisoners"?—that is, men under the Military Service Act were not political prisoners. If Mr. Phillipps wanted to be fair, why did he not read the result of the resolution on page 47 of the verbatim report of the Western Canada Labor Conference? If you will turn to page 58 you will find the result of the debate on that question, and this was, that Delegate Gibson asked, "Is that word military going to be deleted from the resolution?" The chairman says "Yes." Motion as amended, on being put to a vote, was carried. It was carried with the word "military" deleted. Yet, forsooth, Mr. Phillipps says he is fair in giving you that definition of a political prisoner when it is shown in that resolution they wanted the word "military" deleted.

Now, we want to go again to the Walker Theatre meeting. You will remember the evidence of that—the evidence of Lamont? He did not remember exactly what was said. Witness Langdale, who had some notes which are not complete, and Mr. Peters, who said he remembered the strong statements, and Mr. Peters said it was a public meeting. He went in out of curiosity, and went home, and everybody else went home in the same way. I want you to believe that was just an ordinary meeting impressing on the government the need of repealing certain orders-in-council, releasing political prisoners, and withdrawing troops from Russia, and I want to draw attention that these things have all since been done.

Then Charitinoff—here is a man who was on the platform because a bogus picture appeared in one of the daily papers. If he had been convicted you would have been told about that. He was released: he was not convicted.

Then they said Dixon stood up and cheered for the Soviet. There is no evidence of that. I defy the crown prosecutor to say I stood up and cheered for the Soviet, and I want to point

out that whatever literature they bought, and whatever the testimony from their witnesses, there is not one tittle to show Dixon ever cheered the Soviet or O.B.U., and you may depend upon it that with their spy system, if I had supported the Soviet or O.B.U. the evidence would be before you in unmistakable form. I say it is not fair to bring that in.

You remember the language of the witness Batsford when he said at the end of the strike he had an argument with me as to whether the strike was a revolution or not? At that time he said he had a suspicion it was, and I said we could get all we wanted by the ballot. I can call your attention time and time again in the speeches I have made I have said we can get what we want by political action.

But perhaps the worst of all is the adding of insult to injury. Of all this Socialist literature (much had been put in as evidence against Dixon), I am willing to admit I have read one document: that is the Communist Manifesto, exhibit No. 4. The reason I read that was because, as Batsford testified, I had debates with the Socialists, and he said I was opposing Socialism, and argued against Socialism. Simply because others do not agree with my ideas I do not say Socialists should be thrown in jail. In a British country we have the right to debate and get together and thresh it out and let the truth prevail. So I say in these debates I did become somewhat familiar with the Communist Manifesto, and I am going to read, not a paragraph, but the whole chapter, which is a very different proposition.

(Mr. Dixon read chapter 2, Proletarians and Communists, to combat an insinuation by Mr. Phillipps that the book advocated communism of women.)

Mr. Dixon explained that the book dealt with conditions in 1848. The last paragraph of the preface stated just what this particular book is.

(Mr. Dixon read paragraph.)

Mr. Dixon said it dealt with the conditions of 1848, and did not fit present day conditions.

Read in that light, the Communist Manifesto is not such a terrible document at all. As Witness Batsford said he heard me debate with the Socialists. I did not agree with all the ideas they advanced. At the same time, I contend that you

and they and everyone else has a right to their ideas, and we should have so long as we advance our ideas by constitutional means, such as argument and debate, without resorting to force. A man should not be punished simply because he has ideas that are different from someone else.

Now, we have dealt at some length with the Communist Manifesto. I thought it necessary to go that length to get some idea of its contents, not by one or two quotations, even though we do not agree with all that is in there.

So far as the rest of the literature is concerned, I asked various witnesses, "Now, did you get this literature from me?" "No." "Did I give it to you?" "No." And there never was a witness who could say I handed him a piece of Socialist literature or read from one—there was not one witness who could say I had ever given him a piece of this Socialist literature. I want to ask you am I to be held responsible for literature somebody distributes at Weston when I may be in some other part of the globe, or at meetings when I was not present? Some of this literature may have been secured at a meeting when I was present.

But there was evidence also that election and single tax literature was distributed generally. It is a common thing in Winnipeg, so far as literature is concerned. The people take it, leave it, or buy it; and they read it, or do not read it, for what it is worth, and it is one of our British privileges to read what we like, and if we want to throw it in the waste paper basket or put it in the library on the shelf we can do so. You will find in the library of nearly everybody of this country some books in favor of certain things, such as in favor of or against free trade, or the same with reference to the Unitarian or Trinitarian idea—a man reserves for himself the right of looking over theories whether they be political or religious and selecting what he thinks the best. I submit that is the best plan to follow, and so leave the door open for those who want to read and form a common judgment as to the things that are best for the nation. I want to claim that I am not responsible for this literature.

Then we hear a lot of charges or suggestions of unlawful assembly—this and that is an unlawful assembly or meeting,

and this was blasphemy and hypocrisy and revolution; but I want you to say this is outside of the charge against me. If a man has committed blasphemy there are laws against it, and if there is one guilty of unlawful assembly that should be dealt with in a lawful manner. If men violate the laws, bring them in according to the law. If a man is blaspheming, do not bring him in and say he must be guilty of seditious intention.

I want to give Mr. Phillipps credit for being fair; but what could he do if he was trying to be unfair?

We are told about the Majestic Theatre meeting, at which I was not present, and you will notice a great many of these meetings I was not present at, but you will remember that Mr. Russell was criticizing the platform of the Dominion Labor party, which party, you have been told, I am the president of. I wish to show you how impossible it would be for one man to conspire with another who was criticizing the platform of the party of which he was president.

I want to go to the 9th of June, the day preceding the riot. Now, you were told what Queen said on that occasion; but you will remember that the witness McLachlan said I did not say anything of importance on June 9th, but we are told what Queen said, and that is not reported here; but we have in Strike Bulletin No. 21 a report of a meeting that did take place in Victoria Park, and so far as the Labor Party were concerned, they did not consider what Ivens and Queen said of any importance, because they were not reported. Oh, I beg pardon; they were reported at the Labor Church, as shown in Strike Bulletin No. 21. No, I think that must be at another meeting, for the one I want to call your attention to is one held in Victoria Park on June 9th, the day before the riot, and reported in Bulletin No. 21 of June 10. That was where General Ketchen and Canon Scott were at Victoria Park addressing the returned men.

#### GENERAL KETCHEN AND CANON SCOTT AT VICTORIA PARK

Returned Men Hear Distinguished Speakers—Ketchen Advises Men to Stand Together—Canon Scott Favors Collective

Bargaining—E. Robinson Given Great Reception—Resolutions Passed Demanding Withdrawal of Ultimatums Passed—Dissension in Committee of 1,000—Soldiers Will Meet Daily.

#### Parades a Credit

"General Ketchen complimented the returned men on the orderliness of their parades. If real trouble had come he knew that he could rely on the returned soldiers to back him up.\* He was convinced that the returned men were out for the right, and if they would continue to stand shoulder to shoulder as they had done in France they would be a great influence for good. He had a hard row to hoe, but he was not tied up to any faction, and would not allow his judgment to be upset by any influence."

#### Canon Scott Speaks

"Pressed by the returned men to mount the rostrum, Canon Scott gave another of his characteristic good-humored speeches. He had been invited Sunday night to All Saints' church, but had come to All Sinners'. Perhaps some capitalists would hit him with a gold brick for doing that. He thought there was misunderstanding on both sides. It seemed to him that the initial mistake had been made when some men had been refused the right to form an organization that was quite legal.

Collective bargaining should not be objected to. Opposition to it was unconstitutional. Winnipeg was tame compared with what he had expected. The workers must be given an intelligent interest in industry and a share in the profits. They must stick until the workers got their just rights and those on strike were reinstated.

The cheering was renewed as Canon Scott concluded, and many pressed forward to shake him by the hand. One veteran remarked, "The last time I saw Canon Scott was at Hill 70."

That was the day before the riot.

Now Robinson spoke there. I want you to see what Robinson said: he spoke at the meeting with Canon Scott.

## Robinson Loathes Strikes

"Bro. Robinson said he loathed strikes because he knew the suffering they entailed. The workers had tried every other method of settlement before they resorted to strike, but, having been forced to strike for a righteous principle, they would stay out solidly until the victory was won.

This strike had been the greatest propaganda for brotherhood ever carried out in this country.

The workers did not want bloodshed. They had avoided it so far, and would continue to do so. They did not want bullets. Their time would come next election day. Mayor Gray could talk bullets now, but ballots would count in November."

I have already made some reference to those letters and wires. Now, what a set of fools these men were to preserve carbon copies of these letters, so that the lawyers could go down and pick out the copies for their business associates to use in evidence against these so-called conspirators. Does it not seem strange that these men who are such unscrupulous men should do this so that Inspector Green could go in, and those lawyers with him, to pick out such documents? Don't you think they were a fine bunch of conspirators? I consider these letters are great evidence in my favor. If I was conspiring with the Reds you would certainly find my name in the letters more than once.

I have here exhibit No. 81. By the way signed M.P.E., it does not seem to be very good evidence to assume it is Russell or Stephenson; it reads "Comrade Johns and myself are elected to represent the Trades and Labor Council at the Calgary meeting, and we are getting a number of Reds elected by the locals, so let us hope we will be able to start something."

I was not at the Calgary meeting; they did not get me elected to represent any local.

Then there are the Trades and Labor minutes. There is a resolution about the banned literature. If that resolution was passed, I presume the crown counsel would call attention to that too. When Percy was on the stand he said a lot of fool motions came up in the Strike Committee, and I want you



to assume they come up sometimes in the Trades and Labor Council. I think I referred to the Industrial Commission, and as to why I happened to be in the Trades and Labor Council explaining the Industrial Commission. Surely a man representing a constituency of working men has a right to go there and without being accused of a seditious intention.

There is no evidence I had been at the B.C. Federation Conference; I was not present.

Then, with reference to the Calgary Convention, I have already read what Mr. Phillipps said on that occasion—he especially left you with the idea that it was military prisoners to be released; at the same time it was deleted from the resolution before it was passed. We have had Mr. Phillipps get very excited that up at Calgary Russell or Johns said those who did not vote should be counted in favor of the question. That sounds bad that a fellow who does not vote should be counted in favor.

I want to say to you, "Is this justice?" when it is said I was not at the Calgary Conference, but because I happened to meet some of those fellows some other place I am responsible for what was done at Calgary. Then I was to be made responsible for what was done at the Quebec Conference, the Miners' Conference and B.C. Federation and Calgary Conference, and you, gentlemen of the jury, are asked to assume I am responsible when I was not at either of them. Shall I be responsible for something I did not have an opportunity to vote for or was not even present when the vote was taken? I ask is that fair, is that liberty or justice?

Then he says that Pritchard made some remark about the late member, Mr. Christ or something of this kind, and he tried to link up in your mind that if Pritchard did make that remark some other time I associated with Pritchard and I said Jesus was not an ironmaster or lawyer. Well, was He? What does the Book tell us? It tells us that He was a carpenter's son, and Jesus Christ, so far as I read, was not a man who was afraid to speak out, if I remember my Bible correctly, upon occasion, but denounced the ruling classes of His day, the lawyers and priests, the scribes and Pharisees. You remember the strong denunciation in the Bible: I think He says, "Woe unto

you, scribes and Pharisees (lawyers and priests), ye devourers of widows' houses, that for a pretence made long prayers. Woe unto you, scribes and Pharisees, hypocrites. Ye generation of vipers! How shall ye escape the damnation of hell?" Now, that is a report of the speech of Jesus Christ, and I say, is it blasphemy to say He was not an ironmaster, but a carpenter's son?

I have already referred to the many letters and wires that are here given from persons to other persons and not one to myself, and also to the references to persons present at meetings which I did not attend. I want to say Midgley was one of that class. I was never present in a meeting with him, and yet he is brought in here and I am assumed to be responsible for what he says. Then there is the miserable reference to the troop-train. Was Dixon there? I submit there is nothing to prove that I want to tell you that I went down to the troop train and shook hands with my brother as the words of the officer rang out to "step lively," and that brother never came back, but now sleeps on the fields of Flanders. And Mr. Phillips talks of the troop train!

I want to read what Dixon said during the war, not paid for by the Committee of One Thousand, an extract from an address delivered during the war. It begins "Do we need idealism now? The answer is in the affirmative."

#### WHAT DIXON SAID

NOT Paid For by the Committee of 1,000 (?)  
(An Extract from an Address Delivered During the War.)

"Do we need idealism now? The answer is in the affirmative. What ideals do we need? Justice, Liberty and Love.

Justice means a square deal for all; equal sacrifices and equal rewards; the Golden Rule and Canada for the common people. It means that the sacrifice of life which is now being made by the manhood of the nation must in some measure be matched by the sacrifice of wealth. While men's lives are being conscripted to win the war it is unjust that money, also needed to win the war, should be borrowed by the government at high rates of interest, and millions of acres of land, which are needed to produce food, should be allowed to lie idle in

the hands of speculators. Justice demands that money and mud shall not be more highly regarded than human life. The government is taking the men it needs. It ought to take the money and the land it needs—but it does not. The government has taken drastic steps to prevent the hoarding of flour. It should take more drastic steps to prevent the hoarding of money and land.

My blood boils when I think that returned soldiers, who have defended all the land in Canada, are offered as their share of it the leavings of the land grabbers. There should be no talk of settling returned soldiers in the backwoods or on the far horizon while millions of acres of fertile land, near railways and centres of population, are producing nothing but gophers and weeds and unearned increment. But practical politicians say these rich lands were given away by our ancestors and the contracts they have made must be respected. My answer is: "You, by order-in-council, have cancelled the titles of certain young men to life. If you have the will, you have the power to also cancel the titles of certain men to land by order-in-council. If you will not do that you might at least so levy your taxes that they will fall more lightly upon the necessities of life and more heavily upon vacant lands. The policy of taxation now in vogue makes both land and food dearer. The policy I advocate would make both land and food cheaper. Which is the better I leave to your judgment."

Again, in the matter of pensions equal sacrifice should bring equal reward. Life is just as dear to the private as it is to the colonel, and both are entitled to pensions which will assure them a full share of the comforts of life. "The colonel's lady and Sarah O'Grady are sisters under the skin," and each is entitled to equal consideration in the matter of separation allowances and pensions.

Justice demands that money shall be taken to pay for the war as it is needed. Instead of taxing excess profits the government should say: "There shall be no profits during the war." The men who go overseas will think themselves lucky if they return in as good physical condition as they went. That admitted, and surely no one will have the hardihood to deny it, it follows that no man has any right to become

rich by reason of the war. We ought to think ourselves fortunate if at the end of the war we are in as good financial position as we were at the beginning of the war. The soldier sacrifices himself. Justice demands that the men who have money should sacrifice their belt. We should urge with all our might that we ought to pay for the war as we go, and not pile up a big debt for those who come back from the fields of Flanders to help to pay. Justice decrees that those who do the work of the world should enjoy the wealth they produce and that there should be an end to all the privileges by which the few exploit the many."

This address was given in the Labor Church, at the Labor Temple, July 14th, 1918.

I want you to think that over, gentlemen, and see if you can find any seditious intention in there, whether it is not evidence of non-seditious intention and just a general indication of my line of speeches at all times. I am not afraid of what you find in that; the only thing I am afraid of is what you have read in, or injected into, anything that I have said or written. You should take the actual report and investigate it, and I have no doubt what you would think then.

So far as this particular point is concerned, so far as the war is concerned, I think we should take the position taken by Abraham Lincoln on the battlefield of Gettysberg and should listen to his words so far as possible and act upon them. You remember that short and noble speech, and I am only going to give you a few lines. I want that they should be our principles.

"It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain, that this nation, under God, shall have a new birth of freedom: and that government of the people, by the people, for the people, shall not perish from the earth."

We have heard a good many imaginary conversations. I do not want you to convict me on imaginary conversations. Mr. Phillipps says suppose Dixon is saying this and that to

Robinson and Ivens; and could we suppose a conversation with Woodsworth; that is pure supposition. There is nothing in evidence so far as that is concerned.

Court adjourned at 5 p.m. until 10 o'clock tomorrow morning.

February 14, 1920. 10 a.m.

Roll call of jury.

Mr. Dixon continuing his address to the Jury:

My lord, and gentlemen of the jury: I wish at the outset to make a slight correction. When I said that I was having trial by jury as a matter of indulgence; I said Canadians had not that right under the Immigration Act; I should have said they have that right if they were born or naturalized, Canadians, subjects that is of Europe naturalized; these have right of trial by jury; a British subject born in the British Isles and not naturalized in Canada can be arrested on suspicion and tried by a committee appointed by the Union Government. I am in a position where I might be tried by a Union Government committee instead of by the twelve men before me at the present time. I wish to have that as correct as possible. I wish to make no incorrect statement if I can possibly avoid it.

There were some questions yesterday, raised by Mr. Phillips, about the Committee of One Thousand being likened to the scribes and pharisees. You will understand the evidence of Mr. McIntyre, the post master, when he said the Committee of One Thousand volunteered to take out the ultimatum to the postal employees to come back to work, but they did not volunteer to take out the cheques for the widows and disabled soldiers; but the postal employees did offer to do that very thing; and their offer to sort out the mail for the widows and soldiers and get the cheques for the soldiers and widows was refused; so I think there is perhaps some parallel along that line. Then Mr. Phillipps referred to the unlawful assemblies and there is a law against unlawful assemblies. I am not here charged with being a member of an unlawful assembly, but charged with publishing a seditious libel; that is the charge I think to which your attention should be directed. We are not interested in seeing what Dixon said at the Soldiers' Parliament, so called. I want to refer to the witness Percy. He said he meant by

parliament, some place where they got together to talk, and he agreed if it would be a farmers' meeting it would be a farmers' parliament, or if soldiers it would be a soldiers' parliament.

Anyway, Dixon is quoted as speaking at the Soldiers' Parliament, and I wish to read you the last paragraph in which reference was made to the special policemen and the real policemen. Mr. Phillipps did not read the whole paragraph. The whole paragraph reads as follows:

"F. J. Dixon also spoke, giving a resume of the city council meeting and advising political action. Two thousand special police were getting six dollars a day each for attempting to do the work of 200 real men. A simple sum in arithmetic would prove that if imitation policemen were worth \$6 per day, real policemen should get \$60 per day."

That is the whole thing.

Then there is the reference "Those who live by the sword must perish by the sword." That comes from the Bible. Christ said that to Peter when he cut off the ear of the servant of the High Priest; he said "Put up the sword; those who live by the sword shall die by the sword." Whoever made that statement attributed to Pritchard might very well have given it the same interpretation.

Then Mr. Phillipps again refers to the men who were arrested as the strike leaders. I want to call your attention to the fact that I was not arrested as a strike leader. Those men that were arrested and taken to Stony Mountain were called strike leaders and I was not one of them.

Again, he said they had conspired to overthrow the government. I want to remind you once more I am not accused or charged in that indictment with conspiracy. If I was to be accused with that I should be accused right in the indictment of conspiracy, and then there would be something for me to argue about the question of conspiracy. The matter of conspiracy is not relevant to this case. These men were arrested under The Immigration Act, they were threatened with deportation under that act; that will give you some idea what I was thinking about in August in the Columbia Theatre, saying I

had not the power, but if I had the power I might possibly suggest another general strike to get these men out on bail. They were being refused bail at that time. It is another one of the fundamental principles of British justice and has been through ages that when a man is arrested we do not consider him guilty, for the law says he is innocent until he is proven guilty. The law says he is entitled to bail that he may be at liberty to prepare his defence against any action brought against him. These men were not on bail.

The workman who has no money in the bank to withdraw, and many are in that position, do not lightly vote for a strike and lay down their tools which are a means of existence; that is only a last resort: I had no power—a witness said I was not a member of a trade union, and what did I recommend them to do—write to the Minister of Justice urging that these men be allowed out on bail. Is that a seditious proceeding or seditious action?

In this connection McLaughlin said my text was "What shall Canada do to be saved;" and I said "Elect a Labor Government," and I refer you to the Dominion Labor Party platform I put in, of which I happen to be president, for the definition of Labor. It includes all who work, mental or manual, male or female, organized or unorganized. I want you to say if that was seditious or even indicative of seditious intent?

Then you were told I spoke at the Industrial Bureau in connection with the O.B.U., and I was in favor of the O.B.U. I want to say there is no evidence that I was in favor of the O.B.U. and no language I spoke in favor of the O.B.U., and if I ever uttered one word about the O.B.U. there is no doubt it would have been placed in evidence before you. I went there to ask the men to subscribe to Liberty Bonds, not bonds to bring them in five and a half per cent., but bonds to liberate the men arrested, and I said "Money alone could defend them." Don't you think it takes a lot of money to conduct a legal defence? That is all I was there for on that occasion—to make an appeal to that audience as I was making appeals to other audiences for them to subscribe to the Defence Fund in order that those being charged should have the best trial possible under the circumstances.

Then there is a reference to the article called "Bloody Saturday," saying that open air meetings had been banned. There is no evidence that open air meeting had been banned at that time. If you look at the proclamation you will find it dated the 23rd of June, while the riot occurred on the 21st. On the Saturday the open air meetings were not banned; they were on the following Monday, the 23rd.

Then in connection with the language—as I said before I think Mr. Phillipps tries to be fair, but I ask you what he would do if he tried to be unfair, and he made the statement (and it was a startling statement) that the blood of that man who was killed on the Saturday is on the head of the man who wrote this article. I want to point out to you that the article was written after the man had been killed, and what could that article have to do with the killing of that man. Do you think that is a fair inference to draw from that article? The man was dead and the article was written after he was dead. How could a man say that the blood of that man is on the head of the man who wrote the article after the man had been killed. Well, he says, when Dixon suggested a general strike to get the men out of jail or out on bail, he was suggesting force; but you remember I suggested something else; I suggesting writing to the Minister of Justice. Mr. Phillipps said the only way they could be got out was by force; I suggest there are other ways—there is such a thing as habeas corpus and other ways of getting them out instead of by force and you cannot find a suggestion within the four corners of these articles that the men should be taken out of jail by force. You have the evidence. They came out without force; they came out on bail, and that is something we were working for at that time, and which we believed they were entitled to and obtained very largely owing to the agitation over getting bail at that time.

The witnesses that were called to give evidence against me are also in my favor. I want you to listen to the words of Batsford when we were debating towards the end of the strike, he had an argument with me, and I said that it was no revolution—that we could get what we wanted by the ballot. Pingle said for many years I have written articles for the Voice and the Labor News and this is the first suggestion there has been of sedition.



Hamilton testifying said that every summer I went out on the farm. That is not a place, I think you will agree with me, where sedition is likely to be bred. Then we have the testimony of Mayor Gray. He would not fix the date of that meeting, but I think it is fair to suggest that the meeting of the Labor Church was on the 22nd June in Victoria Park, the day after the riot; he remembered he had not issued the proclamation banning open air meetings, and remembered me going in with Woodsworth and pleading that he would first ask the theatre manager to open the doors and let the people go in, and he would not take the responsibility for that. I said "Well, we must get the people off the street and take them outside the city limits," and he said "if you will promise it will be a lawful and orderly meeting you can hold the meeting; the proclamation is not yet issued. At any rate he said if I would give my word it would be a lawful and orderly meeting we could hold it. I want you to believe that he heard nothing about any disorder and it was an orderly and lawful meeting, and that he was willing to take my word so far as conducting a lawful and orderly meeting. I want you to remember it was the day after the riot, so you see what estimate he placed on my activities and think whether he would grant permission to a man who he thought was guilty of seditious activity.

I am going to ask you to conclude in this case there was no conspiracy and ask you how it would be possible for a man like Ivens, the disciple of Dr. Bland to conspire with a man like Pritchard who is alleged to have used the words "the late member, Mr. Christ." I ask how is it possible for me to conspire with George Armstrong who ran against me in two elections. I of the Dominion Labor Party and Armstrong of the Socialist Party of Canada, and Russell engaged in knocking hell out of the Labor Party. It is suggested that in some way we had prevented them from getting the Walker Theatre on the Sunday after the 22nd of December, 1918; that we had thrust a monkey wrench in the machinery. Russell said the Labor Aldermen should have a bottle of glue to get them to stick together with the other Aldermen in the City Council. How is it possible for these men to have a common design. The thing is ridiculous, and even if you find a conspiracy you must find I was not a member of that conspiracy. The documents themselves they proclaim my innocence. If I was a member of any conspiracy, if there was one, don't you think

my name would be somewhere in prominence, that they would find some letter that I wrote to somebody or somebody wrote to me. Yet in all the telegrams and letters, as I stated yesterday, my name appears once with reference to the Walker Theatre meeting, the reference made is I was there and I think in another letter, two times at the most, and both times the reference to that Walker Theatre meeting just mentioning that I happened to be there.

Now I ask if I was a member of any conspiracy, if there was one, would my name not appear oftener than that? If they would pack the meetings with Reds, if I was a Red, don't you think my name would be in there? Gentlemen, it is ridiculous to think I was a member of any conspiracy, even if there was one. I was not at Quebec, or Calgary, or the Miners Conference, or B.C. Federation; I was not a member of any union, or strike committee, or any sub-committee of the Strike Committee. I ask how is it possible for me to be considered a member of any conspiracy, even if there was one.

Then we have heard something about unlawful acts. I want to show you that strike notice that was sent out and I want you to look at the names on the headline of that letter head. I have referred to it time and time again when the witnesses were in the box. The strike notice was sent out by the Trades and Labor Council of Winnipeg and then the names—James Winning, A. C. Hay, J. L. McBride and E. Robinson,—my name is not there. I suggest to you if that strike was unlawful that these men should be charged and not F. J. Dixon. Yet I am the man charged here with seditious libel and at the same time accused of furthering things unlawful. I want you to look that over and see the names if you have not already done so. Read them yourselves. You do not see my name on that strike notice.

Now gentlemen, I suggest to you that if that was an unlawful strike these are the men who should be arrested and charged with an unlawful act, and not that I should have been arrested and charged with seditious libel and then accused of being a party to some unlawful act.

I want to refer to some articles Mr. Phillipps read. I want to call your attention to some of the things Russell said in the Industrial Bureau that Mr. Phillipps left out.

## NO DESIRE TO USURP AUTHORITY

"The strikers had no desire to usurp authority. They had gone to the city hall and asked for co-operation so that none could say we were trying to establish a soviet rule. The city council had appointed a committee to co-operate with the strikers in the matter of food supplies, etc. (Applause).

The employers association were asking that the permit cards be removed from the delivery rigs. (Cries of NO). He cared little who issued the permits so long as the interests of the workers were conserved, but those cards were there for the protection of the drivers and they must stay there. (Applause).

We will not allow mob violence, said the speaker. We shall take all steps necessary to prevent violence. Some are inciting unrest, but these are not of the workers.

He outlined the readiness of outside cities to act on the call of this city. And noted the steps that would be adopted to increase the pressure as the days go by. The position of the bosses was clearly set forth and their inconsistencies pointed out.

## THINK, AND THINK BOLDLY

Lloyd George had said,—Think, and think boldly. That was the speakers message to the workers now. Think boldly. Think fearlessly. But think carefully.

We appeal to the people who are not members of labor unions. Do not congregate in crowds. The situation is now approaching the crisis. A few days and we shall see the way open to victory."

Then we have another quotation and I am going to ask why Mr. Phillipps left off the name of Abraham Lincoln in a quotation of "wise words" which are proved to be in my hand writing.

## WISE WORDS

Know, prudent, cautious, self-control is wisdom's root."  
—Burns.

"Of no use are the men who study to do exactly as was

done before, who can never understand that today is a new day."—Trine.

"I will be wise,  
And just, and free, and mild, if in me lies  
Such power, for I grow weary to behold  
The selfish and the strong still tyrannize  
Without reproach or check."

"You cannot maintain the workers working for their daily bread, the people who feed and clothe and house the world, and at the same time maintain in idleness a group of automobile bums who clip the coupons of privilege and live upon the labor of the working world."—Raymond Robbins.

"Labor is prior to and independent of capital. Capital is only the fruit of labor, could never have existed if labor had not first existed. Labor is superior to capital, and deserves much the higher consideration."—Abraham Lincoln

"Don't ask f'r rights. Take thim. An' don't let anny wan give thim to ye. A right that is handed to ye f'r nawthin' has somethin' the matther with it. It's more than likely it's on'y a wrong turned inside out."—Mr. Dooley.

Now I ask if it is fair to take the last three of these paragraphs and leave out the other three, as Mr. Phillipps did?

Then again in Bulletin No. 6, page 3, Mr. Phillipps did not read the reference there to Senator Robertson under the heading "Central Strike Committee" under date of May 23.

#### PREPARED TO HEAR SENATOR ROBERTSON

"Delegates Anderson and Russell are appointed a committee to interview Senator Robertson, and to inform him that the Strike Committee would be prepared to hear him at such a time as he desired.

This committee later replied that the senator deemed it best that the Strike Committee appoint a committee to present their case to him. This might avoid misunderstanding."

Now you have the evidence of Lovatt; he did take a committee down to the Royal Alexandra to see Senator Robertson.

Then in Number 13, page 3, Mr. Phillipps quoted from article "Let well enough alone;" it is proved, I believe, to be in

my handwriting. He only quoted the last paragraph "Hence the general strike. It is better that many should suffer temporary inconvenience rather than many should suffer permanently." I am going to read the whole article

### LET WELL ENOUGH ALONE

"The butterfly upon the road  
Preaches contentment to the toad.  
But the toad beneath beneath the harrow  
Knows where every tooth-print goes."

The attitude of some to this strike if put into words, would be something like this:—"I was pretty comfortable; why didn't you let things alone." Such a position will not be taken, of course, by any man of sympathy and conscience—he will not be satisfied till other men have comfort, liberty, justice; nor by any man of energy and intelligence, for he will not be satisfied with present conditions while improvement is possible.

The conservative does not generally put the true psychology of the position into words, but finds some specific fault with the movement. He says: "Everybody admits that collective bargaining is right but you should have found some other way of getting it." Let these wise men show us any other way by which we could have obtained collective bargaining at this time and we will enroll their names on the list of great discoverers.

Another remarks in a fretful or maybe a pugilistic tone, "Things are getting better, why can't you let 'em alone." They never would have got any better if they had been let alone and the less they are let alone the faster they will get better.

These objectors talk about any change as the Chinese talk about the introduction of the railroad: "The locomotive is a noisy monster. It screeches and keeps people awake. The railroad will overturn our methods of transportation and destroy the dignity of our carts and palan-

quins. The manners of trainmen are bad and travelling in cars makes many people ill. Sometimes persons are killed by passing trains and property rights are disturbed by railroads. It is true they carry freight and passengers more quickly and cheaply than our methods can, and people would get what they want when they want it more nearly than they do now, but that is nothing compared to the noise and trouble of change." It is almost impossible to convince these chronic rebels against progress, because it is not a matter of reason with them, but of feeling. Logic is a thing they have little acquaintance with, or congeniality for, if it threatens their ease or impinges upon their mental, moral or physical inertia.

Men of this description must be appealed to through their feelings. They must be taught that they cannot close their doors and imagine all the world is well clothed and fed.

Hence the general strike. It is better that some should suffer temporary inconvenience than that many should suffer permanent injustice."

I think you will see a difference there when the whole article is read.

I don't want to weary you with too long reading but I think it is necessary to cover one or two of these articles read to you. There is another one in No. 15 on "Interference with the right to organize." Now you will remember that the American Federation is held up as a conservative organization. The article reads as follows:—

#### INTERFERENCE WITH RIGHT TO ORGANIZE

Interference with the right of employees to organize should be made a crime says the American Federation of Labor.

"Confirmation of this can be found in "The Labor Gazette," February, 1919, published by the Dominion Government. There we find that the reconstruction programme of the A.F. of L. includes a demand for "legislation making any interference with the rights of employees to organize a criminal offence." The A.F. of L. has been considered by our opponents as a safe and sane organization yet this demand goes beyond any demand of Winnipeg strikers. How would Dea-

con, Barrett, Warren, Eaton, Robinson, Ingram, Crossin, Fowler, McLean, Robertson, et al., like to have "interference with the right of employees to organize made a criminal offence."

If that were law the federal government's mandate to the postal employees would be a violation of it.

If that were law the action of the City Council abrogating collective bargaining, and substituting therefore a wage slave contract would be illegal.

If that were law Deacon, Barrett, Warren, Eaton, Robinson, and all employers who interfere with the right of employees to organize would be criminals.

The A. F. of L.—we thank the committee of 1,000 for referring to that august body. After considering their programme we have come to the conclusion that we are not radical enough, we should ask for "legislation making interference with the rights of employees to organize a criminal offence."

You will see the irony of that article; here were the strikers out for collective bargaining, the right to speak to their employers through their chosen representatives and the A.F. of L. says any interference with the right to organize should be made a crime, and this is a conservative body. We were not asking for anything like such a radical proposition as that.

There was a reference to the Dominion Labor Party platform, and you will remember it was pointed out to you that the application form was to be sent to Room 1, Labor Temple, and the Central Strike Committee met in Room 1 when the Strike Committee was in existence, and you were asked to see some connection between the Labor Party and the Strike Committee on that account: I want to say that you have the evidence that Room 1, Labor Temple, is occupied by Robinson, secretary of the Trades and Labor Council, and McBride who is affiliated with the American Federation of Labor, and they have occupied this room for a long time. The Dominion Labor Party had no paid secretary, and the address was put on there so that if any one wanted to join the party they could pay their money, and it would be received that way. They are still there, though the Dominion Labor Party is not occupying that office. I want to call your attention to a citation made showing there

was a similarity between the Labor Party and the proposal for mass action, and I will read the whole paragraph.

"The interests of all workers, mental and manual, male and female, organized and unorganized, are identical. Though much has been accomplished by the industrially organized workers, the ultimate emancipation of all workers lies in the fullest use of political as well as industrial action. The uniting of all these forces in a Labor Party is necessary to obtain the desired result. For such purpose this Party is organized."

So you see what the aims of the Dominion Labor Party are. You can judge from its activities. It is a political and not an industrial organization.

We come now to the question of the strike, and how the vote was taken, and I want once more to remind you that while Mr. Phillipps rebelled against the idea of the Calgary Conference, that those who did not vote at all should be counted in the affirmative, he is trying to have you assume because I was not at the Calgary Conference, I was not at the Quebec Conference, I was not at the Miners Convention or B.C. Federation of Labor or a member of the Trades and Labor Council, or of the Strike Committee, and yet I am assumed to have been, though I was not present—even though I did not vote at all, I am assumed to vote in the affirmative because I wrote a few articles for the Western Labor News. He rebelled at that idea. I think I should rebel at it as applied to myself.

Here is the strike vote, a partial vote as reported on Wednesday morning.

	For	Against
Boilermakers 126 .....	124	26
Boilermakers 529 .....	82	0
Boilermakers 566 .....	152	0
Boilermakers 451 .....	101	8
Carmen 550 .....	656	26
Carmen 6 .....	133	10
Carmen 371 .....	706	68
Blacksmiths 147 .....	113	8
Blacksmiths 61 .....	121	0



Railway Clerks 613 .....	91	14
Railways Clerks, Unity .....	126	15
Municipal Employees, Winnipeg .....	173	86
Municipal Employees, Assiniboia .....	28	3
Municipal Employees, St. Boniface.....	14	0
Firemen, City .....	149	6
Firemen, St. Boniface .....	14	0
Police, City .....	149	11
Waterworks .....	44	9
Electrical Workers .....	222	8
Bakers and Confectioners .....	272	2
Retail Clerks (partial vote) .....	450	10
Lithographers .....	28	2
Printing Pressmen .....	50	21
Bookbinders .....	37	24
Sleeping Car Porters .....	67	2
Caretakers .....	133	5
Upholsterers (partial vote) .....	11	8
Stationary Engineers 498 .....	182	4
Brewery Workers .....	152	22
Flour Mill Workers .....	58	34
Machinists 122 .....	269	75
Machinists 189 .....	80	0
Machinists 457 .....	138	1
Machinists 484 .....	292	7
Machinists 863 .....	106	15
Mill Hands 172 .....	283	5
Carpenters 343 .....	371	4
Postal Workers .....	250	19
Pipe Fitters 479 .....	181	10
Plumbers 254 .....	60	0
Sheet Metal Workers 420 .....	56	2
Cooks and Waiters (partial vote) .....	278	0
Garment Workers .....	143	27
Motion Picture Operators .....	26	0
Moulders .....	59	1
Patternmakers (partial vote) .....	4	0
Tailors .....	155	13
Teamsters .....	611	3
C.B. of R.E. (Transcona Stores) .....	17	1
C.B. of R.E. (Transcona) .....	112	2
C.B. of R.E. 67 .....	78	3
Jewelry Workers .....	70	6

Plasterers 34 .....	72	0
Other votes .....	31	1
Other Votes .....	62	6
Other Votes .....	118	1
Other Votes .....	21	1
Other Votes .....	56	2

You can go on down the list and you will fail to find one union that voted against the proposal to come out on strike. The evidence is there was an overwhelming majority of the votes received for going out on strike and even if there was a pooling of the votes it was not necessary, and you will remember while the Trades and Labor Council, properly speaking, had no right or power to pool the votes, it was not an illegal proposition; it was simply over-reaching the power they had from their unions, as Witness Percy testified. If they had voted against a strike they could not force the unions to strike, but when they voted for it, then the Trades and Labor Council had to obey the mandate of the different unions. They had no power to even force a union to take a vote; you had the Typographical Union that steadily refused to vote. The Trades and Labor Council could not make that union vote. Other unions not affiliated with the Trades and Labor Council like the Telegraphers Union came out on their own strike vote, so you can see in some manner how the vote was taken; at the same time there was no law against it; it was not illegal and, any way, it does not make any difference—every union voted overwhelmingly in favor of coming out on strike.

Then we have the object of the strike.—I am going to affirm this was a lawful strike. If not, it is up to the authorities to take action against the men who called the strike. The names of the men are on that letterhead in plain black and white—those men have not been arrested for any unlawful act. You will remember Premier Norris went so far as to say that he did not believe there should be a law making sympathetic strikes illegal. So you see there was a general idea that they were legal and you will remember the testimony of Mayor Gray with regard to Senator Robertson when he came up in 1918. The Firemen, he said, had an ultimate right to strike, and the other unions had a right to "sympathetic strike." So the generally prevailing idea was a sympathetic strike was a legal proposition, and it is rather late in the day to suggest

it is not legal. It should have been done, if it was an unlawful act, when the strike was called; and not as an after thought when men had been charged with conspiracy and seditious libel.

Now there was a lawful strike for a lawful object and the real object was collective bargaining, as found in Bulletin No. 16. There has been a good deal said about not knowing what collective bargaining is or what was meant by collective bargaining. Now I want to suggest if there was any doubt along that line it was not owing to the lack of definition on the part of the strikers.

On page 3 of Bulletin 16, we have an article on Collective Bargaining

### COLLECTIVE BARGAINING

Politicians and plutes galore say they are in favor of collective bargaining and then turn around and say it is impossible to define collective bargaining. Leaving aside their evident insincerity in professing to believe in something they do not understand, it is very evident they have raised a dust and now complain that they cannot see.

We commend these bewildered gentlemen to the Labor Gazette, August, 1918, where they will find a declaration of a war labor policy by the Dominion government embodied in an order-in-council, passed July 11, 1918, which proclaims "That all employees have the right to organize in trade unions, and this right shall not be denied or interfered with in any manner whatsoever, and *through their chosen representatives* should be permitted and encouraged to negotiate with employers, concerning working conditions, rates of pay, or other grievances."

### THROUGH THEIR CHOSEN REPRESENTATIVES.

The point is that collective bargaining should be done through the *chosen representatives* of the employees. Get that clear, O ye of little vision and muddled heads. *The chosen representatives*. That's the point. No matter whether those representatives are chosen by individual crafts, by federations, or by councils. They are the chosen representatives of the employees.

## FREEDOM OF ASSOCIATION.

One of the principles endorsed by the peace conference and approved by Premier Borden is that of freedom of association for workers. Now freedom means liberty to form any kind of a legal association. But freedom in the formation of an organization is worse than useless if the *chosen representatives* of that organization are not recognized by the employers.

## THE LOCAL SITUATION.

In Winnipeg the workers in the building trades exercised their freedom of association by forming a Building Trades' Council. For a time the bosses recognized the chosen representatives of Labor on that body, but finally they announced a change of policy, they said they would deal with each union individually. They denied the workers freedom of association and the right to negotiate *through their chosen representatives*.

The Metal Trades' employers, better known as the iron masters, have never acknowledged the right of their employees to freedom of association. They have refused to deal with *their chosen representatives* on the Metal Trades' council.

## THE ISSUE IS CLEAR.

Collective bargaining means the right of the workers to negotiate with the employers *through their chosen representatives*.

Those four words contain the kernel of collective bargaining. All quibbling about definitions is merely an attempt to becloud the issue. We stick to the point and demand collective bargaining *through the chosen representatives* of the employees.

A wayfaring man, though a fool, could not err in his definition of collective bargaining if he would stick to the right of employees to negotiate *through their chosen representatives*."


I want to suggest to you that if there are any illegal associations, then action should be taken against those that are illegal. While I was not advocating the O.B.U.; it is common knowledge it is in existence and there is no action taken against the O.B.U. as an illegal association.

By way of interpretation of the Metal Trades Council. The iron masters say "We will deal with employees in our own shops," but the men said "We want a council of our own to pick out a man to come to you, so he will not be discriminated against." The masters said "No, we have refused to deal with the representatives of the Metal Trades Council."

Now is it possible to misunderstand the language of that particular article? The workers were satisfied with a definition laid down by the Union Government. It is in the Labor

Gazette of August, 1918. It was not a question of whether it was to be craft or industrial union. The fact was the men wanted to be represented through the men they chose to see the bosses, just as the Street Railway Company here retained the lawyer to put their interests before the City Council or Legislature. The employers have the right to speak through their chosen representatives and the employees simply wanted the same thing. I submit that is a lawful object and was the real object so far as the strike was concerned, although some secondary matter came in. I want to emphasize that point by reading Mayor Gray's telegram early in the strike. You remember the evidence upon that point where Mayor Gray was asked the question: "When you found you could not effect a settlement did you send a telegram to Ottawa?" and he answered "Yes." Then he was asked: "Who did you send that to in Ottawa?" and he replied, "I think that was sent to Senator Robertson, or the acting premier." I then asked Mayor Gray, "Did that telegram read to this effect: 'General strike of all trades except Typographical takes place here 11 o'clock Thursday morning. All efforts of reaching settlement have failed. Strike started two weeks ago when metal workers and building trade workers walked out; building trades striking for increased wages and shorter hours. Metal trades, the chief thing in dispute, employers refusing to deal with union; employers in question in metal trades the Manitoba Bridge and Iron Works, the Dominion Bridge Company, and the Vulcan Iron Works, respectively. Metal trades workers endeavored to negotiate scales through business agent of the Metal Trades

Council, employers declare willingness to discuss question of wages and hours, but refuse to deal with Metal Trades Council or to recognize this union or council of unions by dealing with them as such. Employers declare they did not oppose rights to organize, did not discriminate against employees being members of unions, but would not recognize the unions by dealing with them as such. Each employer willing to deal with his own employees but not with union. Men consider this is a challenge to the right to organize and to the principle of collective bargaining. Trades council announced it would take a general strike vote of all unions in support of right of collective bargaining. Vote announced Tuesday night overwhelmingly in favor of mass action by all workers. Negotiations last Thursday night, led to employers agreeing to meet strikers. Delegates of building and metal trades, respectively, met with myself and Premier Norris, Monday, Tuesday and Wednesday of this week. Building trades workers and employers virtually agree on acceptability of proposed settlement, but workers will not execute until metal trades workers are satisfied by their employers. Employers absolutely refuse to concede principle demanded by metal trade workers. Workers absolutely refuse to sacrifice their principles either. General strike accordingly called for 11 a.m. Situation extremely critical; postal employees, fire brigade, waterworks and electrical light and power employees, street railwaymen, railroad car men and shop men, and possibly running trades of this division, telephone operators, retail and wholesale clerks, teamsters, and all newspaper typog, will likely walk out. Fully 27,000 workers involved in strike. Fullest co-operation of government required towards effecting early settlement." "Did you send that wire to Ottawa?" That is what I asked Mayor Gray, and he replied, "Yes, and I supplemented that with another wire. It has gone into one of the previous trials to the effect that I had forgotten to state that the metal trades employers had offered to arbitrate, but that is torn out here (Mayor Gray was referring to his file of papers) and gone into the previous trial." Then I asked Mayor Gray the following questions: Question: "Who suggested you send the supplement?" Answer: "The iron workers called to mind I had forgotten, and very regrettable that I had, that they had offered to arbitrate." Question: "The iron workers or iron masters?" Answer: "I mean the iron masters." Question: "They offered to arbitrate the principle?" Answer: "Yes, they thought that."



There is a difference of opinion there. So far as trade unionism is concerned according to the peace treaty they have a right to organize. There is no question of arbitrating through their chosen representatives. They wanted it laid down in plain black and white whether they had a right to speak through their chosen representatives or not. There is no use arbitrating a point like that. It is either one thing or the other. It is a matter of principle and while it may be argued that some of these men broke their contract, I want to point out that Italy was not blamed because she broke her contract with Germany; she broke that in order to come to the support of the allies. It was in support of a righteous principle.

THE COURT--You must not say that, not only because it has nothing to do with the case, but because it is not true.

MR. DIXON—I think it is a matter of general knowledge. I will leave that to the jury. Now we have the mayor with regard to the strikers terms. Is it hardly necessary for me to say he received a letter setting out the terms of the strikers, the recognition of collective bargaining and the recognition of the building and metal trades councils and the reinstatement of employees on strike. He received that letter very early in the strike from the strike committee and then we have his report about the iron masters and he submitted those terms to the iron masters. You will remember the strike committee always came when he called them, he said. They were not always together. They were always ready to come over and discuss matters. I said they were really trying to make a settlement during the first ten days. They went to see Premier Norris and Mayor Gray and Senator Robertson and it was only when they found it was impossible to bring about a settlement that they sought to win by spreading the strike and getting the support of men in other cities. You will remember Mayor Gray reporting to his council he had laid the strikers' terms before the iron masters and they said they had been requested by the Citizens' committee not to open negotiations at this time, and they had promised to do so, and were going to abide by that promise. You see there the entering of a certain body.

Then you remember the cards put on the milk wagons and so far as the evidence here is concerned, Mr. Riley was not present at the conclusion of that meeting. I want to suggest

to you that the milk drivers finished their rounds and so did the bread drivers on the 15th of May and the next day there was a complaint to the strike committee that babies were suffering from the want of milk. That very day they went over to the City Hall with the master bakers and owners of the milk factories, and they conferred together and an arrangement was made for a supply of bread and milk. So far as being in control of the city, Mr. Carruthers said the strike committee suggested ration cards, and he said: "No; everybody is going to get milk," and his suggestion was accepted. It is easy to see who was in control. The strike committee were ready to concede anything to give the citizens bread and milk. Mr. Riley left before the end of the meeting, and so did the mayor because they wanted to get the things out. The milk men and bakers wanted to get their men to work, and I want you to remember that this meeting was run, as the evidence is, until half past six or seven o'clock, and the bakers wanted to get to work that night. Things were in a hurry at the close of that particular meeting, and a great many people were relieved that the situation was overcome. I want to suggest something was said to this effect "get the men back. Get the cards out." I want to suggest that the men did go back, and the cards were got out. Perhaps it was a pity there was not more careful attention given to the wording of these cards. Mayor Gray testified they were given to protect the men on the rigs. You can easily understand the situation—a great city involved and these men going back to work. How were their fellow workers to know they had been released by the strike committee? I am going to suggest to you it was wisdom to give these men cards to display in a prominent place until this business could be resumed. Later on these cards came down; they were misunderstood, and there is no doubt that they were taken down, and I want to read you about that. Here is an explanation of the card in Bulletin No. 5, May 22:

### THOSE CARDS

"Any unfounded ill feeling which may have been created by false impressions about the motive and purpose of the cards issued by the Strike Committee to facilitate the delivery of bread and milk should now be entirely eliminated.

When it was decided to release men in certain industries from strike duty, for the purpose of supplying the necessities of life, and for the preservation of law and order, the men



and their employers asked for some card that would protect them from effects that might result from misunderstanding. For this purpose cards were issued.

The wording on the cards has been misconstrued and misinterpreted and our opponents have made much fuss about a small thing.

The cards are not essential to winning the strike so in order to avoid being put in a false light and to demonstrate that we are after essentials, not trivialities, the strike committee has agreed that in future the men released will be given badges to wear for their personal protection and cards on rigs may be discarded.

This decision was reached on Tuesday night at a joint special meeting of sub-committees from the city council and the strike committee.

Thus, another side issue is cleared out of the way. The strike committee is not to be diverted from the main issue by red herrings drawn across the trail—so long as the men released to supply necessities are protected in the form of card or badge does not matter—the main issue is the recognition of organized labor by the employers.

That achieved the rest is easy. This strike is not to decide who shall issue a card, or what wording shall be on that card. It is to compel recognition of organized labor by employers and the right to a living wage. All other issues raised are to divert attention. Let us stick to the main question. - Get on with the strike."

I have already pointed out to you that there were repeated efforts made to effect a settlement early in the strike. I want to recall to your minds the evidence of Percy on the strike committee, with regard to these acts, showing these men on strike were anxious to establish that principle of collective bargaining as speedily as possible. I submit to you the easiest way to prove there was no revolution, or revolution if it was so, would have been to grant collective bargaining. That once established then any excuse for the strike would have gone. The only thing that kept these men on strike was that they believed, and we all believed, it was for collective bargaining. You see how when Blumenberg went to the Policemen's Union and mentioned Soviet, he had to get out. They did not want any Soviet; but they wanted to come out and help their

fellow workers and finally they were locked out. I want to suggest that they were union men and knew what they were doing when they supported the strike.

When Bray went down to the parliament buildings, and, according to the evidence, spoke to the Premier of Soviet, the soldiers made him take it back. They were soldier-sympathizers and soldier-strikers, and they would not stand for the Soviet. They were out for collective bargaining. That is what they went down to see the Premier about, and it is an imputation on their loyalty to suggest they were attempting anything else.

We have also the Bulletin No. 7, where it is stated the strikers were in favor of legislation and wanted to get it settled as soon as possible. They passed a resolution to that effect. This is as early in the strike as May 24. The strike was not ten days old; there is a notice in a box on the front page.

### STRIKERS FAVOR LEGISLATION

"At 11 p.m. Thursday night the general strike committee placed itself on record as in favor Compulsory Legislation favoring Collective Bargaining. This makes it clear to the whole world that they fully recognize the existing Governments and have no desire to usurp control. The resolution reads:—

"That this committee go on record as being in favor of Legislation making it Compulsory for employers to recognize the right of their employees to Collective Bargaining through the representatives of their organizations as expressed in Craft Unions, Industrial Unions, Trades Councils and Trade Federations."

In other words, through the chosen representatives of the men, no matter whether it be an individual union or group of industrial unions or trade council or trades federations (as grouped on the railroad.) The idea was whoever the men picked as their chosen representatives they shall be the ones to negotiate with the employers, and they wanted that point recognized by legislation.

You also have the point brought out by witness Percy that

even though the Trades and Labor Council opposed the Norris Industrial Commission, the Bill discussed and passed in the session early in 1919, when the strike was on, so anxious were the strike committee to effect a settlement that they appointed two members to sit on that commission, but these men were never recognized and the Industrial Commission was not put into effect for settlement. So the story goes on. We have heard a great deal about what happened during the strike. All the good and bad was not on one side.

In Strike Bulletin No. 8, page 2, you will see a reference to volunteer workers.

### VOLUNTEER WORKERS RECEIVE THANKS OF PATIENTS AT HOSPITAL

"Volunteers who had been sent to remove storm-sashes and put on screens at the King George Hospital received the hearty thanks of the patients."

When they would not work for money, but found the patients wanted the storm sashes removed, they went over and did it for nothing. Did that look as if they were very vicious men?

Then on page 4, No. 8, May 26th, there is another matter. This is a report of this meeting that took place in the City Hall, where they were discussing collecting bargaining.

### MIDNIGHT SESSION ABORTIVE (FINE DEBATE BUT NO DECISION)

"Mayor Gray, on Friday night, called together a committee to consider the strike and, if possible, recommend some solution. The committee consisted of his worship, in the chair, Aldermen Fisher and Simpson, Messrs. Winning and Russell, of the strike committee, Messrs. Andrews and Sweatman, who said they were acting as individuals, Messrs. Carol and English, of the running trades, and D. J. Scott.

### NO BIG FIVE

Mr. Anderson, chairman of the Central strike committee, explained that there were 300 men on the strike committee which had elected 15 of their number to a Central committee. The members of this Central committee would attend all conferences or negotiations to give the lie to the state-

ment that five men were running this strike. This committee is composed of Messrs. Anderson, Pickup, Allen, Veitch, Russell, Flye, Robinson, Smith, Miller, Lovatt, Shaw, McBride, Winning, Greer and Scoble.

#### RUSSELL REVIEWS STRIKE

R. B. Russell reviewed the history of the strike and the efforts of the Strike committee to get a settlement. Much capital was being made out of the iron master's statement that they had submitted a plan of collective bargaining to the Mathers commission on May 10th. Their insincerity was shown by the fact that on May 13th, in the presence of the Mayor, they had refused to deal with the Metal Trades Council. This council had written every Metal trades employer and never received one reply.

#### MORE CHICANERY

Members of the Strike committee had been told that the iron masters were prepared to recognize collective bargaining under the auspices of the Industrial Commission Bill. The Strike committee did not object to this course—but it now appeared that the employers were not free to act on their own behalf but were controlled by the Committee of 1,000.

#### COLLECTIVE BARGAINING

A lengthy discussion occurred on different forms of collective bargaining. Alderman Fisher said: *"The man who opposes collective bargaining is 20 years behind the time."*

A. J. Andrews said very few were opposed to it.

J. Winning—"Will the T. Eaton Co. recognize it in any form?"

#### A. J. ANDREWS EXPLODES

A. J. Andrews said this strike had gone beyond the original issue. So far as he was concerned there would be no negotiations until the postal employees, firemen, waterworks employees and telephone operators were back at work. It would be splendid diplomacy for the Strike committee to yield that point. Afterwards the principle of collective bargaining would be recognized.

## DIXON'S ADDRESS TO THE JURY

R. B. Russell—"What assurance can you give us?"

A. J. Andrews—"We can't give you any."

R. B. Russell explained that governments had violated agreements in order to uphold a principle. Italy had broken her agreement with Germany to support the cause of the Allies. This was right. The firemen had acted from the same motive.—But this was held to be wrong.

## INSURRECTION RIDICULOUS CLAIM

The labor movement was not attempting to overthrow the state. This strike had not the slightest semblance of an attack on the state. Everything had to be done in a constitutional manner. The onus for the trouble was on the employers.

J. Winning—"We are fighting under constitutional Trade Union rules. The duty of the Trades Council is to render assistance to any part of the movement that is in jeopardy. We have conferred with the City council, the Provincial government and Senator Robertson; that shows we recognize constituted authority. We cannot request postal employees, firemen, etc., to go back to work. If they did that where would our economic power be? We have a solution to offer. *Give us a guarantee that collective bargaining will be recognized and we will all be back at work in 48 hours.*

A. J. Andrews—"We say you've done a wrong. You now have a chance to retire gracefully. *If you do not do this we will line up against you the Dominion, Provincial, and Civic governments.*"

## REMOVE THE CAUSE.

R. B. Russell—"We would remove the cause of this trouble that is the lack of collective bargaining."

J. Winning—"Our action is quite constitutional. The American Federation of Labor, a very conservative body, has a clause in its constitution which says that no local council shall enter into any agreement which forbids a sympathetic strike."

A. J. Andrews—"If your attitude is that the causes must be removed we shall have to wait for the millenium."

J. Winning—"This discussion is on the wrong track."

A. J. Andrews—"I'm not here to go into causes but to advise a certain line of action."

R. B. Russell—"We are prepared to go further and remove the cause of sympathetic strikes."

A. J. Andrews—"This matter is within the rights of the Provincial government. *Legislation should be passed guaranteeing the right of collective bargaining, accompanied by a Dominion law making it a crime for unions to violate agreements.*"

R. B. Russell—"How would this do?" presenting resolution passed by Strike committee.

#### STRIKERS FAVOR LEGISLATION

"That we go on record as being in favor of legislation, making it compulsory on employers to recognize the right of their employees to collective bargaining, through the representatives of their organizations, as expressed in Craft Unions, Industrial Unions, Trades Councils, and Trades Federations."

Passed by Strike committee, May 22, 1919.

Ald. Simpson—"Is it possible to get a guarantee of legislation?"

A. J. Andrews—"I will not make a bargain that I am forced to make by present conditions."

Ald. Simpson—"Let us have a guarantee of legislation backed by the Provincial government, the Mayor and the Committee of 1,000."

A. J. Andrews—"I will not negotiate until the men on the public utilities are back. I will not bargain."

R. B. Russell—"Senator Robertson has promised recognition."

A. J. Andrews—"It is not a Dominion matter."

T. B. Carroll—"Mr. Andrews' position is a threat. It resolves itself into a question of who should yield first. The employers must yield some. I can't see that the men are responsible. In the Running Trades we would go a long

way before striking, but we can strike. Our employers frequently yield points. Why can't the ironmen do the same?"

A. J. Andrews—"This is not a case between employers and employees."

T. B. Carroll—"What about the statement made at the Industrial Bureau that the policemen and firemen would be put in a position where they would never strike again. Do you intend to prevent that by giving them ideal working conditions and wages?"

A. J. Andrews—"The sympathetic strike is wrong."

Ald. Simpson—"We propose to remove the cause by legislation."

Ald. Fisher suggested that a smaller committee might act more quickly, but his suggestion was not acted upon. The committee rose at 12 p.m."

I think it only fair to say here, Mr. Andrews said that was not a fair statement and it was corrected; the correct report was: "If you do not do this you will line up against you the provincial, civic and Dominion governments." So you can see they were conducting negotiations and trying to effect a settlement early in the strike.

You also find in Number 9, page 3, a request, "Why not call a special session." You will remember the witness Batsford testified to the soldiers going down to the Parliament buildings and suggesting a special session being called.

### WHY, NOT CALL A SPECIAL SESSION

"When the Strike Committee appointed representatives to act on the Industrial Conditions Council with a view to settlement it made a considerable sacrifice.

The Trades and Labor Council has persistently opposed this measure for good reasons, but the strike committee did not stand upon its dignity. It said: "If there is any constitutional method of effecting a satisfactory settlement, let's use it."

It had been intimated from several semi-official sources that there was a possibility of settlement if Labor would consent to act on the Industrial Council. Thus another method

of settlement has been tried and found wanting. It is rumored that the Norris government doubt if they could make the findings of said council binding by order-in-council. Then why not call a special session of the legislature? Is the whole Dominion to be tied up because the Provincial government has not backbone enough to brush the committee of 1000 on one side and deal with the situation in a statesmanlike manner. Labor has made a great concession in offering to act on the Industrial Council. The Norris Government has sung the praises of said council loudly and continuously.

If, now Labor has agreed to act upon it, the Government holds back we shall know who really controls the Government. There is, apparently, an invisible government in Manitoba and it is not located at the Labor Temple."

Then on page 4 of No. 11 you find the City Council passed a resolution.

I want to call your attention to this: the resolution reads: "That this council ask the Provincial Government to make collective bargaining compulsory and sympathetic strikes illegal." This was carried. Why did they want to pass this resolution? It was not necessary to pass a resolution to make sympathetic strikes illegal if they were already illegal.

Here is a resolution passed by the Strike Committee Thursday, May 22nd:—

"That this committee go on record as being in favor of legislation making it compulsory for employers to recognize the right of their employees to collective bargaining through the representatives of their organizations as expressed in Craft Unions, Industrial Unions, Trades Councils and Trade Federations."

Then, on Saturday, May 24th, the Central Strike Committee informed Senator Robertson, who had grossly misrepresented Labor's definition of collective bargaining, that what they meant by collective bargaining was—

"The right of any individual to belong to a labor union if he so desires, and the right of all such unions in a given industry to form themselves into a council to conduct negotiations through their council.





## DIXON'S ADDRESS TO THE JURY

When negotiations have succeeded and schedules are agreed to they shall be signed to cover all trades negotiating within the industry mentioned."

These things make the issue so clear that no one need misunderstand the position of Labor on collective bargaining. All they ask is the same rights for all workers as are now enjoyed by, say, the railroad workers.

Then we have the matter of soldiers' delegations in Strike Bulletins Nos. 14 and 15.

### SOLDIERS BACK STRIKERS TO LIMIT

"Ten Thousand Wearing Buttons March to Parliament Building—Tell Norris to Call Off Committee of One Thousand—Urge Special Session to Legislate re Collective Bargaining—Denounce Treatment of Telephone Girls—Going Back Interview Government Monday Morning—Visit City Hall and Demand Withdrawal of Ultimatum to Civic Employees—Insist that Police Remain on Duty—City Council Leaves It Stand Over Till Tuesday Morning—Give Policemen Ovation—Carry Flag to Labor Temple—Say Sympathetic Strike Cannot Be Called Off Till Collective Bargaining Established—Resent Press Campaign of Villification—Say It Must Stop—Give Three Cheers for Labor News"

### SOLDIERS INSIST ON ACTION

"Provincial Government Again Visited—Delegation Growing in Numbers—Returned Soldiers Only Allowed in Chamber—Demand Government Legislate, Resign, or Take Referendum—Say Majority Favor Collective Bargaining—1,000 a Bunch of Boodlers—Dixon Loudly Cheered."

You will find they were there, and that is what they are asking for—insisting on action.

In No. 17, re the Great War Veterans, they passed a resolution at a big meeting endorsing the objects of the strike.

Then, in No. 19, we find the article in reference to the alien question. Do you believe the mayor when he said that the first parade was composed of 75 per cent. aliens and 25 per cent. soldiers? Not one per cent. of anybody else. Just think of

that. Whatever its composition, when he asked them to go outside the council chamber they went out.

**STRIKERS STATE POSITION ON ALIEN QUESTION  
WILL BACK AUTHORITIES IN EFFORTS TO  
DEPORT UNDESIRABLE ALIENS**

"Whereas, an attempt is being made at this time to make it appear that the Trades and Labor Council is attempting to protect undesirable aliens, and

"Whereas, a further attempt is being made to raise the ire of the members of our organizations who are returned soldiers by spreading such untruths;

"Therefore, be it resolved that we, the general strike committee, representing the 35,000 workers now on strike, many of whom are returned soldiers, again go on record that we will support all efforts on the part of the authorities in their efforts to deport all the undesirable aliens in our midst.

"(Signed),

"W. H. C. Logan, Chairman Strike Committee.

"Jas. Winning, Pres. Trades and Labor Council."

Then we have Major Andrews' statement.

**MAJOR G. W. ANDREWS, D.S.O., M.P., DEFENDS  
WINNIPEG STRIKERS IN PARLIAMENT**

Strikers Are as Loyal Citizens as Canada Ever Had—Collective Bargaining Necessary—Demands Backed by League of Nations—Sympathetic Strike Natural and Logical—Repudiates Bolshevism—Time for Change of Government.

Winnipeg Member's Testimony.

Major G. W. Andrews, D.S.O., M.P. (Centre Winnipeg), in House of Commons, June 2, 1919. (Hansard report.)

"When the election was on, a year and a half ago, it was my privilege to address an audience of Winnipeg workingmen on the subject of winning the war. The issue at that time was quite clear cut. I told them I was a candidate for the Union Government, and as such stood for the conscription of men. I pointed out that this meant the particular men I was talking to. I also told them that I stood for the conscription of money, which meant their money, and for the conscription of the last dollar and the last man in Can-

ada. if need be, to win the war. That was pretty straight talking. When I got through, one of the men got up and said: "Well, we understand exactly what you mean now." I told them I would not think of going over the top with men who were not prepared to go all the way. When the 17th December came they knew exactly what it meant for the men who were going to the war. When the election was over, in spite of the fact that my opponent was the secretary of a labor union, it was found that they had voted for me in the proportion of three to one.

These are the men who today are on strike. There is certainly something wrong somewhere. In addition to those men, as good and as loyal citizens as Canada ever had, there are many of my own comrades who stood in the trenches in France; they are on strike. I say, standing in my place here, that eighty per cent. of the returned men of Winnipeg are in sympathy with the strikers and the object of this strike.

On the first of May the men of the metal trades went on strike, partly because the masters refused an eight-hour day and a larger hour wage, but chiefly because of the employers' refusal to recognize their union. The building trade employees presented their schedule to the masters, who frankly admitted its fairness and reasonableness, but declared their inability to meet the demand. Here we have the two vital causes of the strike: (1) a living wage, and (2) the right to organize. This is the cause of the strike, in my opinion, after the most careful consideration and after using every means in my power to find out the facts. When the ironmasters let it become known that they were going to make it a trial of endurance, the Trades and Labor Council called for a sympathetic strike of all organized labor in the city. A vote was taken, and all unions, including public utilities, came out.

The single workman is helpless against the great corporation; the individual union or craft is equally so. Collective bargaining is the logical outcome of organization, and it is now too late in the day for any corporation to refuse it—that principle is embodied as one of the provisions of the charter of labor formed by the League of Nations.

The sympathetic strike is the natural and logical sequence of organization. What more natural than that men who have interests in common should stand together in an emergency? A particular union or craft may be striking for a principle that is absolutely vital to every man in the industry, and just as the employers can down one single man, so they can down a single union unless all stand together. This is co-operation; it is brotherhood, and it is absolutely the same principle of sticking together that was employed in France.

There is another point I want to touch upon for a moment or two. Twice this afternoon I have heard the term "Bolsheviks" applied to the strike leaders in Winnipeg. Gentlemen, if you apply the term to those men you apply it to me, because they are my friends. There is a man called James Winning, a good, level-headed Scotchman, who has spent practically all his life working for his fellowmen. The only erratic thing he has done in this agitation has been closing down the press and participating in the strike. As to the press, I had the misfortune to hear an hon. gentleman, one of the oldest members in the chamber, state his opinion that the press was corrupt, and he was not called a "Bolshevik" for saying that. If ever a strike by workmen in newspaper offices was justified, it was in this case if the newspapers were not playing the game. There is another man called Russell in Winnipeg. Russell is a Socialist and not a man who advocates force. I know these men, and for them force would be absolutely the last resource. Russell wants a change. So does Robinson, so does Simpson and Rigg. They want a change because they are not satisfied with present conditions. How many hon. gentlemen in this House are satisfied? I venture to say many of them would welcome a change of government.

Some hon. members: Hear, hear.

Mr. Andrews: I feel a little that way myself, but I would like to see some further action by the Union Government first."

Then you have General Ketchen and Canon Scott speaking in Victoria Park on June 9; that is the day before the riot. It is also reported in the same paper with regard to F. J. Dixon mentioning the scribes and pharisees. I have already dealt with that; also what Mr. McIntyre spoke about

the Citizens' Committee being anxious to take out the ultimatum and not anxious to take out the cheques.

Now, we have heard the police had an agreement. The breaking of agreements was not all on one side. As a matter of fact, all contracts can be broken for cause. When the firemen went out they offered to leave a squad on to protect life. The strikers left men to take care of the horses; they left men in the hospitals and to work the elevators to take the sick up to the doctors' offices, and they left men to supply water. Does it make much difference whether the water goes up two or three stories? The evidence was that 30 pounds pressure will take it to the second story, and what pressure was on after the union men were forced out would take it up three stories. Now, was it worth creating that much bad feeling for one more story? There you see the tenor of the whole thing. Then you have them back on the bread and milk question. The citizens claimed they were supplying bread and milk, and the mayor, Percy claimed, said he was supplying it, and the men driving the wagons got disgusted and walked out. They did not interfere with anybody else. On the 15th the strike was called, and on the next day they arranged that the bread and milk should be resumed. When these men walked out again, it was conducted by volunteer workers, and there was no interference. Mr. Caruthers said in the Cecil Rhodes school the people would not take the milk away. They said, "We will not take it from volunteer workers, but when the regular men come back to work." They did not interfere with the others in the city; they said "if the others want it let them take it."

Then when one special policeman was in the Labor Temple they formed a bodyguard around him to take him out safely. Then Marrin had gone out to face a howling mob of one or two thousand people, raving Bolsheviks, I think it is safe to say they were not very violent when one man could do it. It is impossible to control all the incidents of a strike; if there were unlawful acts, there is a law to punish unlawful acts. You will find in the speeches of the strike leaders they were deprecating violence on the part of the strikers. There is no evidence to show there was any great violence. There is the evidence of the insurance agent who said there was placed with his company thirty million dollars' worth of riot insurance, and that they actually paid out \$100 in damages. See the com-

parison between the fear and the actual damage. I want to put it to you, a great many people were fearing at that time what really did not happen. When the mayor was going over to get the release of the man for carrying a gun, if those 200 men had been intent on being violent he would not have got away as easily as he did. He would not have got out without serious physical injury. I am submitting that for your consideration.

I want to speak of the police who were locked out; in spite of the fact that there was an agreement that there should be no strike or lockout until 1920, they were actually locked out.

11.30 court adjourned for five minutes.

11.40, court resuming, Mr. Dixon continued address:

Now, gentlemen, you remember I laid the foundation, so far as I was concerned, that this strike was a legal strike, and its object was for collective bargaining. I submit that collective bargaining is a natural growth so far as industry is concerned. In these days, when you have tremendous corporations, the shareholders never see their employees where thousands and thousands are employed not directly in connection with their employers. This is different from the old days. That is explained in Strike Bulletin 27, page 4, in an article headed

#### "GROWTH A LAW OF NATURE"

Those who denounce the sympathetic strike might as well denounce the wheat for ripening, the river for flowing into the sea, or the boy for growing into a man. It is written "First the blade, then the ear, and then the full corn in the ear," which being translated means, first the craft union, then the federated unions, and then the sympathetic strike. One might as well attempt to cram the full grown wheat plant back into its original kernel as persuade labor to abandon the sympathetic strike.

From a thousand hills a thousand rills gather into a mighty river which sweeps on to the ocean. An attempt to dam the Niagara, in the hope that it would never reach the sea, would be no more foolish than the attempt to dam labor from its resistless onward sweep towards its natural outlet—co-operative industry.

The farmer watches his boy grow, and he knows that some day the boy will say: "Father, I must have a voice in the management of this farm and my fair share of the products or start a farm myself." The farmer may hope the day will never come, but in his heart of hearts he knows the boy will grow to manhood and will rightly demand a voice and a share. Labor has grown to manhood, and is now demanding a voice in the management through collective bargaining in order that it may get a fairer share of the wealth it produces.

One might as well tell the full-grown man to resolve himself into a boy again and "be seen but not heard" as tell labor it cannot have a voice in the management of industry through collective bargaining.

Grass will grow, the river will reach the sea, the boy will become a man, and labor will come into its own."

I ask you, first, is there anything seditious in that? Is not that an explanation of what you know? Does not that occur on your own farm? Do not the boys grow up and say, "Father, I am a man, not a boy any longer. If I stay on this farm I want to have something to say about it and have this quarter to run myself or you run the other one; at any rate, I am a man, and if I cannot share in the management and profits, I am going to have a farm of my own"? It does not matter how the father may feel about it. We may wish that our children will remain two to five years old in their happy, prattling days. But we know they will grow up. So in our industries labor is growing up and demanding a share of the management looking towards co-operation. Do we not hear co-operation preached on every side as a desirable thing? Is it seditious to write such an article as that?

I want to read you from Strike Bulletin No. 30 a letter by A. MacDonald, and you will remember the strike leaders have been arrested, and that F. J. Dixon had not been arrested, so the government did not consider him to be one of the strike leaders. I want you to pay special attention to this letter about those arrests by A. MacDonald, wholesale grocer of Winnipeg.

A. MACDONALD &amp; CO.

Winnipeg, Man., June 18th, 1919.

## A BIG BLUNDER

"Whoever ordered the arrest of those strikers, at midnight, and had them taken to Stony Mountain, should be severely punished. The men were get-at-able at any time. Why this midnight raid on their homes, and why were they taken to Stony Mountain? The whole transaction was ill-advised and cowardly in the extreme. I have it on what I believe to be good authority that arrangements were being made for a settlement with a fair prospect of success. Now, where are we?

The cause of this Dominion-wide unrest is due largely to the profiteering, bungling mismanagement and incompetency of men in high places. Something has got to be done, and that soon. Let us hope that Senator Robertson, who is here, looking after this matter, will be able to get things satisfactorily arranged soon." Yours,

A. MACDONALD.

The Editor, Western Labor News, Winnipeg, Man.

"Dear Sir—I sent a copy of the enclosed letter to the other papers, and thought I would send you one, as I don't think those men were fairly treated. You can publish it if you wish. Yours respectfully."

A. MACDONALD.

Now, I want you to look through my articles, and remember they were written after the riot, and this letter was written before the riot, but MacDonald is not accused of inciting a riot nor publishing a seditious libel, and he is criticizing the authorities. Is there anything stronger in my articles than the statement that whoever ordered the arrest of the strike leaders should be severely punished. He speaks of constituted authority, and says the cause of this world-wide unrest is largely due to profiteering, bungling and mismanagement. Can you find a greater condemnation of constituted authority in these articles than that?

He was free to write that and he was not arrested, though he wrote before the riot. Then why was I arrested for writing these articles after the riot? I just want you to bear that in mind when considering the evidence.

A



Then in Strike Bulletin No. 30 we read the strike leaders are free, allowed out owing to the agitation over trial without a jury, and now arrangements are being made to give them trial by jury. Now you find there Ivens, Heaps, Queen, Bray and Russell leaving Stony Mountain, so it is quite evident I am not classed as one of them. Then we have the article I referred to in the "Enlightener." You can draw your own conclusions. I want to call your attention to the fact that this was written on the day the strike was called off. The Strike Committee was forced to a conclusion of unconditional surrender. What do you think the natural feelings of a man would be under such conditions? He for a long time had been writing articles for the paper, and I was certainly interested in the strike, believing it to be a lawful strike for a lawful object, and I certainly wanted to see these men win; there is no question about that. I believe the great rank and file wanted to win, and I believe they showed a splendid determination in suffering hardships. Imagine the circumstances. Who is down on their knees now? What is there in that article, I ask you? Read it over. That is written on the day of unconditional surrender.

### THE WORKERS

"The workers have simply gone to school once more. They have experienced another demonstration that in union there is strength. That the way to greater victory is through greater unity. Their conviction that it must be each for all and all for each has been deepened. The bond of union between all workers has been strengthened by common sacrifice for a common end. While impressing the need for collective bargaining and better wages upon the community mind, the workers have themselves been taking a university course in politics and economics.

They realize now that economic conditions are a reflex of the laws of the land, and that if they would secure justice they must get into politics. That the average politician is ever strong upon the stronger side, and that stronger side is the one which has a majority in the government. This lesson will not be forgotten."

Is there anything of the doctrine of hate in there? And remember the circumstances under which that article is written and published.

Now, I want to go once more with you over the evidence. I want to call to your mind the men with different ideas, one in the Labor party and one not in the Labor party, and all this kind of thing. I am going to ask you to pay not too much attention to a man like Zaneth. He is the man who poses as a bohunk before the labor organizations. When he was in the box he said he was an Italian, and when I asked him if he had ever heard of Michael Angelo, he said, "No, I never heard of him," And Mazzini? "No." He never heard of him. And nearly everyone else in the room had heard of them. I ask if everyone else did not know who they were and if the Italian in the box was not the only one who did not know who I was asking about when I spoke of Michael Angelo, Marcus Aurelius and Mazzini. We might have forgiven him if he did not know of Mazzini, who stood for a united Italy and the doing away with the temporal power of the Pope—perhaps he never heard of Marcus Aurelius, a great emperor philosopher; but do you think he would have gone to school in a convent and not heard of Michael Angelo, renowned for his great religious paintings and sculpture? His pictures of "The Crucifixion," "The Day of Judgment," and "The Entombment" are the things he is noted for. Do you not think Zaneth in a convent would not be likely to hear something about this? I want you to look and see if you do not think he would know about that. At any rate, you have heard the witness and seen his demeanor, and I ask you to take this into consideration. I want you to remember, so far as the conspiracy is concerned, there is nothing to show that I was a member of any conspiracy, and it would be practically impossible for me to conspire with Armstrong, who ran against me in two elections, or Russell, engaged in knocking hell out of the Labor party—I suggest the thing is ridiculous. I suggest they were certainly a fine bunch of conspirators leaving letters around where other people could get them and keeping carbon copies in order to show evidence of conspiracy. So far as the Socialist Party of Canada is concerned, they have opposed me in the elections of 1910, 1914, and 1915, and I think it is very probable they will oppose me the next time. I want to point out that I was not at the Calgary Convention. There was no secrecy about that thing. Did it look as if they cared whether police spies were there or not? When one was suspected they voted against his removal. Then, forsooth, these men accused of conspiracy, had a verbatim report taken of the convention, and the evidence is that 20,000 copies were

printed, so everybody could read what was going on. I was not there, and I do not think I should be held responsible for what went on there. I do not want to be held as voting in the affirmative for things done at conventions at which I was not present.

Then because they fixed a date to strike on the first of June in regard to certain matters, this strike in Winnipeg was part of that conspiracy. It cuts right across the line of their suggestion. The suggestion is that the Calgary Conference wanted a six hour day, the release of political prisoners, and withdrawal of troops from Russia. This strike in Winnipeg came up over the question of collective bargaining. When this strike started they were busy taking a vote and the O.B.U. was not in existence. So it is ridiculous to say that is part of the conspiracy.


I have already dealt with the question of pooling the votes, and although it was unusual, it was not illegal. So far as the Trades Council is concerned, I want to suggest the strike was for a lawful object and conducted by lawful means, and generally it was peaceful. As I said before, if it was unlawful, there are laws. The proper thing to do is to enforce them against those who incite to violence; if anybody had incited to violence they would probably be punished for so doing. So far as this strike was concerned, we were all actually in a condition to believe it was a legal strike, and did believe it was a legal strike. What other deduction are we to draw when Senator Robertson says in 1918 the firemen have a right to strike and other unions have a right to a sympathetic strike, and we have requests to have legislation to make sympathetic strikes illegal, and Premier Norris says "I do not think we should legislate, but it should be agreed between the parties." The idea that it should be an illegal strike is something that occurred to the minds of legal gentlemen after we had been arrested; they thought it would be a good point to secure a conviction on.

So far as the law is concerned, I am not going to try to follow Mr. Phillipps through all the legal labyrinth he has constructed. You will listen respectfully to the instructions from his lordship on the law; if it was merely a question of law the crown counsel and his lordship could handle the law. What is the jury for? It is to see that the accused man is getting

justice, and that is what I want you to mete out to me when you render your verdict—what you will consider as justice in all the circumstances of the case. If you accept Mr. Phillips' interpretation of the law you would not be able to criticize the weed inspector. I do not know whether any of you gentlemen are weed inspectors. At the same time, it might be said he is a public official, and when elections are nigh, if you wrote a letter to the press criticizing the weed inspector, and advised him to cut down his crop, as his farm was dirtier than yours, you would be criticizing a public official when public feeling was running high, and you might be charged with publishing seditious libel.

I want to say a word about the nature of the charge.

I do not profess to know much about law, but when a man is charged with publishing seditious libel, he begins to look up and see what kind of a charge this is. It is a thing we so seldom hear about that we have to go and look at the books. I took the trouble to look that up for my own satisfaction to discover the nature of the charge. I found, for instance, that, according to the code, seditious libel is a libel expressive of a seditious intention. I want you to mark that word expressive. I consider that is the key to the whole situation; a seditious libel is expressive of a seditious intention. I want you to mark the word expressive and believe that when the legislators put that in, they meant what they said. It is not enough to read it in. I submit they had seen enough of reading it in when they were advocating adult suffrage and the abolition of the corn laws, and that they said, "Here, we will make this thing to be that a seditious libel is a libel expressive of a seditious intention." It cannot be read in. It cannot be built into these articles, even if it takes two weeks in the effort to do so. You must look into these articles and see if they are expressive of a seditious intention or not. I want to quote Webster's definition of the word "expressive"—serving to express; utter or represent, indicative, full of expression, significant, emphatic. "Has he sent a letter couched in terms expressive of his gratitude?" If the letter did not express gratitude you could not read it in. Again, "each word expressive of her woes." Then a further definition by Webster, full of expression, vividly representing the meaning or feeling meant to be conveyed; significant; as expressive looks or words.



The synonyms are clear, plain, open, explicit, unambiguous. That is what the legislators meant when they put that word in there, when they said it must be expressive of seditious intention they meant what they said. If it is not there in plain, unmistakable language you cannot read it in. Here is a lump of sugar; if it expresses whiteness to your eye and sweetness to your taste it is white and sweet, but it is not to be suggested that if you color it with red ink and flavor it with bitter aloe you can say it is not white and sweet. So with these articles. These articles are the things in the indictment. There is nothing about blasphemy or hypocrisy or unlawful strikes or anything of that kind. Nothing in the indictment about bread and milk. The only thing in the indictment is these three articles, and I am accused of publishing those three articles. I ask you to look at them and see if they express seditious intention.

A farmer expresses himself by his work, and you can tell whether he intends to be a good farmer or a bad farmer; you can soon tell whether he is or is not a good farmer. It may be he has a bad field of sow thistle, but you can see by looking at that field whether he is trying to keep his farm clean or not. It is expressed right there on the farm. The same with the artist; he expresses his mind in his pictures. It does not matter whether you see that picture in a gilded salon or a humble home, you can see whether the artist had an obscene or a beautiful mind. It is not the frame, trimming or location. The artist expresses himself in the picture, just as the farmer expresses himself in the farm, and just as the writer expresses himself in the article. It does not matter about the frame or trimming or associations we find around. There are the articles, and the law says they must be expressive of seditious libel and intention. And this is what it says in regard to punishment—that a man shall be subjected to two years in jail if he publishes something expressive of a seditious intention.

I consider this is the key to the whole situation. If these articles are seditious, it must be expressed in the articles themselves; if it is not expressed there it cannot be read in, even though crown counsel bring a thousand witnesses.

That is the point I want to emphasize. If seditious intention is not expressed in these articles, it cannot be read in, and it would not matter if I was convicted or proven a conspirator. I am not here to be found guilty as a conspirator.

it is only for publishing these articles that I am here. If I was guilty of blasphemy or any of the other charges that would not prove seditious intention.

If I was a member of an unlawful assembly it would not prove a seditious intention in these articles, unless the articles expressed it. Then we might go down the whole calendar of things of which I have been accused here. The law says a seditious libel is a libel expressive of a seditious intention.

There is no definition of seditious intention in the Canadian Criminal Code. But legal precedent has pretty well defined seditious libel as one which tends to bring into hatred or contempt the person of the reigning sovereign, his heirs and successors, the government or constitution of the United Kingdom as by law established, or either House of Parliament, or to excite His Majesty's subjects to attempt the alteration of any matter in Church or State as by law established *otherwise than by lawful means*.

The law regarding seditious libel has been insensibly modified by the law of defamatory libel. The effect of this modification has been to give the right to criticize fairly, that is honestly, even if mistakenly, public conduct of public men: and to comment honestly, even if mistakenly, upon the proceedings of Parliaments and Courts.

The issue then is not the truth or falsehood of the assertions made—though I would be prepared to assert the truth of the statements made in these particular articles. But that is not the issue. *The issue is what was my object in writing those articles?* Was it to promote disaffection and bring about riots, or was it to procure a remedy by peaceful means?

It is well established that anything said, or written, with a genuine intention to promote the general welfare by lawful means is not seditious.

No one shall be deemed to have a seditious intention only because he intends in good faith:—

To show that His Majesty was misled or mistaken in measures.

To point out errors or defects in the government or constitution of the United Kingdom, or any part of it; Canada, or any province of it: or in either House of Par-

liament in the United Kingdom or Canada, or any legislature, or administration of justice, or to excite His Majesty's subjects to attempt to procure, *by lawful means*, the alteration of any matter in the state.

To point out, in order to their removal, matters producing or tending to produce feelings of hatred or ill will between different classes of His Majesty's subjects."

At the present day, when the right of forming political organizations, of holding political meetings, and of giving, through the press and on the public platform, free expression to our thoughts upon and criticism of public men and affairs, is so well recognized, a written or printed publication, or a public speech, would have to be of an extremely *vicious, inflammatory and dangerous* character to form the basis of a successful prosecution for seditious libel.

Now, I am going to submit to you gentlemen, that these articles are not extremely inflammatory, nor dangerous and that they were written after the riot and so far as the effect was concerned, there was perfect peace after they were written until the strike was called off the next Thursday. You have certainly some right to see the consequences of these articles, if any. I am going to suggest to you they are not extremely dangerous nor inflammatory. Just think of the situation under which they were written. Here we had been for five weeks or more trying to keep peace within the city. Although I was not a member of the Strike Committee you will find an item in one article saying the Strike Committee have nothing to do with the silent parade. The Strike Committee deprecated any such parade; but people congregated on the streets. Then the mounties came down there with baseball bats swinging on their saddles. Are not governments and government officials to be responsible for the consequences of their acts. What would be the effect of the sight of those baseball bats on those returned men who had been fighting for democracy and were assembled there to have a silent parade? You must draw your own conclusions about that. I want to call your attention to what Judge Cave said. I am not going to quote at any great length for law is not my long suit. There have been a few such trials, this one was in 1886, John Burns and others had spoken to a crowd in Hyde Park, London, and windows had been broken in a riot and he was charged among other things with seditious utterance and the Judge said in his charge quoting from *Re v. Sullivan*:

"I invite you to deal with the case, which is a grave and important one, in a fair, free and liberal spirit. In dealing with the articles you should not pause upon an objectionable sentence here, or a strong word there. It is not mere strong language, such as 'desecrated a court of justice' or tall language, or turgid language that should influence you. You should, I repeat, deal with the articles in a free, fair and liberal manner. You should recollect that to public articles great latitude is given. Dealing as they do with the affairs of the day, such articles if written in a fair spirit and bona fide, often result in the production of great public good. I advise you and recommend you to deal with these publications in a spirit of freedom, and not to view them with an eye of narrow criticism. Again I say you should not look merely to a strong word, or a strong phrase, but to the whole article, and so regarding each article, you should recollect that you are the guardians of liberty of the press, and that whilst you check its abuse, you will preserve its freedom. You will recollect how valuable a blessing the liberty of the press is to all of us, and sure I am that liberty will meet no injury, suffer no diminution at your hands. Viewing the case in a free, bold, manly and generous spirit toward the defendant. If you come to the conclusion that the publications indicted are not seditious libels or were not published in the sense imputed to them, you are bound, and I ask you in the name of free discussion to find a verdict for the defendant."

"You should not be too swift to mark any hasty or ill-considered expression which they might utter in the excitement of the moment. Some persons are more led on, more open to excitement than others and one of the defendants, Burns, even when he was defending himself before you, so prone was he to feeling strongly what he does feel, could not refrain from saying that he was unable to see misery and degradation without being moved to strong language and strong action. I mention that to you to shew you the kind of man he is, and for the purpose of seeing (if you come to the conclusion that he was honestly endeavoring to call the attention of the authorities to this misery and honestly endeavoring to keep within the limits of the law and the constitution) that you should not be too strong to mark if he made use of ill-considered, or too strong an expression."



That is what Judge Cave said about Burns who spoke before the rioting occurred. Now these articles were written after the riot and following these articles there was no riot. A man is supposed to be responsible for the consequences of his acts and you will look at these articles and draw your own conclusions from them.

I contend, Gentlemen, that I am innocent. I have pleaded not guilty to this charge, and in order to win, the prosecution must prove I wrote those articles with a seditious intention. The intention is the whole issue and I think Mr. Phillips recognized that when he spent nearly two weeks building up a case, to use his own words to "build up" a case of conspiracy, why build up a case? If sedition is not in these articles you cannot build in it. The idea of building up a case is one way of trying to do that. If it was expressed in the articles themselves he need not then try for two weeks to build up a case. Intention is the whole issue and he realized that or he would have spent two weeks trying to establish my seditious intention in writing these articles.

I claim that I am innocent for the indictment does not say that I was maligning His Majesty or procuring some lawful object by unlawful means. The indictment does not assert what the seditious intention was. I am not saying that advocating the O.B.U. or the Soviet would be seditious, but there is no evidence to show I advocated either one of them or anything unlawful. I advised men to use their ballots and keep the peace. Surely that is not evidence of seditious intention when you advise a man to keep quiet. But if you go ahead and advise the mob to use violence or break jails—if it had been something of that kind I submit there might be some basis for a charge of seditious libel. I submit we cannot find that from any of the evidence submitted here. I want to remind you it is not a question of strong language or harsh words, here or there, it is a question of motive. Do any of these articles express a seditious intention. They are as far from sedition as black is from white, and north from south. I think I can show that from the articles themselves.

Under the British law the accused is entitled to a full and complete defence. You will realize that I have not wasted a great deal of your time; crown counsel has had the greater part of the time in the past two weeks and if I should take an

hour or two more that is what I am entitled to under British law.

**THE COURT:** If you really think, Mr. Dixon you cannot get through your address in that time, I will give you time, but you gave me an undertaking yesterday or I would have sat last evening; we must get through the case to-day.

**MR. DIXON:** I did go through my notes last night, and cut out a lot and I find that I will have yet to speak an hour or three-quarters of an hour to finish my address.

**THE COURT:** I will not cut you off in the full defence you think right. If it was the case of a lawyer undertaking to do so and not doing it he would get stronger language than I propose to administer to you.

Court adjourned for luncheon at 12.30 noon.

Court resumed at two o'clock this afternoon.

**MR. DIXON:** My lord, and gentlemen of the jury; you will remember when we adjourned I was dealing with the question of the expressiveness of the word "expressive." I have here the Criminal Code, section 132 in which it says a seditious libel is a libel expressive of a seditious intention. That is what the Canada Criminal Code says. In regard to punishment. Section 134 reads: "Every one is guilty of an indictable offence and liable to two years imprisonment who speaks any seditious words or publishes any seditious libel or is a party to any seditious conspiracy." I submit when the legislators put that clause in they knew what the meaning of the word "expressive" was; they put that in there because they assumed they did not want anything to be implied and that the libel must be expressive of a seditious intention. When we look at the articles themselves, we will see how far they are expressive of a seditious intention—I want to emphasize that point. If you had a diamond and wanted to have it tested you would take it to a jeweller and would not ask him to look at the frame but test the stone to see if it was a diamond. It may be a rough diamond it may not be one of the best, but he can tell you whether it is a diamond or a fake, and I am going to ask you to do the same thing with the articles in this indictment. I want you to look at them and see if in your opinion they are the expression of an honest man, expressive of honest intention. That is the question before you—whether I wrote these articles with an

honest intention, or whether I did not, is after all the question you have to find.

With regard to the article "Kaiserism in Canada" the indictment reads "that F. J. Dixon in or about the month of June, in the year of our Lord one thousand nine hundred and nineteen at the City of Winnipeg in the Province of Manitoba unlawfully and seditiously published seditious libels in the words and figures following:—"

Now there is nothing about conspiracy—it is that in the month of June he did publish a seditious libel—that is the charge, and this one is headed "Kaiserism in Canada."

"What shall the sacrifice profit Canada if she who has helped to destroy Kaiserism in Germany shall allow Kaiserism to be established at home." Do you give your assent to that as a fair statement? I submit, gentlemen, it is not seditious. Then the article goes on "Whoever ordered the shooting last Saturday is a Kaiser of the deepest dye." You have the evidence—at any rate they were pretty well prepared. The Mayor had The Riot Act in his pocket and the horses were standing in the stables ready; you have the testimony of Captain Dunwoody that he was well prepared, good and ready, and the forces under Binnie, who said that the horses they were riding were horses used to the work, and I ask where would you get horses used to that kind of work in Canada? I think you will agree with me that is the first work of that kind in Canada, and I think you will agree with me in the hope it will be the last.

There is the evidence that there was some preparation. At any rate we know it was not the men who did the shooting; they simply obeyed the orders of the commanding officer, but someone behind that who believed might was right—that is the essence of the Kaiserism. Somebody who believes the principle laid down that if the Mayor gives an order it is not for any one to criticise it whether he is right or wrong. I submit that is not in accordance with British traditions. We have reserved to ourselves the right as British subjects to criticise public officials.

I submit to you that when I left England I might have gone to the United States if I was looking for a republic, but I came here because I thought I would find more liberty and freedom here. We know there is a monarch in England at the

present time, it is a matter of common knowledge he is a democratic man. At times he goes down to the post office and mingles with the people. He wants to hear what is being said; he is not afraid of sedition, and so far as singing National Anthems are concerned we will agree with Burns who wrote:

"Who will not sing God Save the King

Shall hang as high as the steeple.

But while we sing God Save the King

We'll not forget the people."

I submit that is the principle upon which British public affairs have been carried on. But somewhere back of this thing somebody believes might is right. Then the article goes on "the responsibility must be placed, and the criminal brought before the bar of justice." Is there anything seditious about that? Think of the better written by A. MacDonald, he was speaking of somebody, he did not know who, when he said they should be punished and show cause at the bar of justice why the arrests were made. Do you think the blood of the people on the streets is preferable to a silent parade? Do you think it is better to have the people shot down or have soldiers shoot them down. I submit human life is a sacred thing, and should not be taken except under the most extreme provocation, and I still say it would be better to allow a silent parade than to shoot men down on the street. The article reads:—

"There may be those who think their dignity must be upheld at all costs, but we fail to see the slightest justification for the murderous assault which was committed." What was it? You have the witnesses who came here telling you how the soldiers rode down the street with the baseball bats at the saddle. They were swinging them; it does not matter whether they were swinging them in their hands or were carrying them on their saddles—the bats were there. If you think a man is assumed to intend the natural consequences of his act what about government officials. What would be the incitement to these people who wanted a silent parade on the street? What would be the likely effect, I ask you? I leave you, gentlemen of the jury, to draw your own conclusions whether there was justification for a murderous assault. It may be strong language. We have the testimony of Binning. Do you remember I asked him "Did they run?" "Yes, they ran fast." "Did you shoot as they ran?" "Yes, we were shooting as they ran." I ask is there any justification for that, that men and women should be shot like rabbits as they run;

there is no justification for that kind of thing. I do not know who ordered it, but whoever it was acted in the spirit of Kaiser Wilhelm.

The article then reads quoting the words of the Kaiser when he said "Recruits! before the altar and the servant of God you have given me the oath of allegiance. You are too young to know the full meaning of what you have said, but your first care must be to obey implicitly all orders and directions. You have sworn fidelity to me, you are the children of my guard, body and soul. Only one enemy can exist for you—my enemy. With the present Socialist machinations it may happen that I shall order you to shoot your own relations, your brothers, or even your parents—which God forbid—and then you are bound in duty implicitly to obey my orders."

What were those orders—sent down with pistols loaded and Binning said "When we pull our pistols we pull them to use." They had the baseball bats on the saddle. At any rate that whole paragraph is simply a deprecation of Kaiserism in Canada. Is it a thing we want to deprecate? We want some better doctrine than "might is right" to work upon.

Then the article goes on "The events of last week show to what lengths the opponents of labor will go in their efforts to fasten despotism on this city and this country."

You will remember Mayor Gray testified he had been jammed, and jammed and jammed, to put the military on the streets. When I asked if it was a member of the Strike Committee, who asked this—no he did not know he was one of the Strike Committee or of the Citizen's Committee; he said there were a number of unreasonable people; it was the unreasonable people who were jamming him to put the military on the streets.

Then the article says "The midnight arrest of men whose only crime seems to be that of *lese majeste* against the profiteers and the shooting of innocent and defenceless citizens mark the depths of desperation to which the Kaiserlike crowd at the Industrial-Bureau are prepared to go in order to turn their defeat into a temporary victory."

I want to ask you about that, whether they were innocent or guilty. There is the testimony of Binning again, when I asked him "Did you see one man with a gun in the crowd," and he answered "No." That is his testimony; he was there and saw what was going on, and went through the crowd several

times. True, he heard several shots; he did not see any one fire them, and he did not see one gun. If guns had been there he would have seen them and—they shot them running away.

Then the articles goes on "But they must not be allowed even temporary satisfaction. Organized labor must continue the magnificent fight of the last five weeks until its just and moderate demands are granted. It were better that the whole 35,000 strikers languish in jail." Is that rebellion? Is that sedition?

"Better that the whole 35,000 strikers languish in jail; better, even, that we all rested beside the men who were slain on Saturday than that the forces of Kaiserism should prevail."

To rest beside the men—is that resistance to authority? No, I say it is better that they were in prison, that they were martyrs, not rebels, than that this spirit of Kaiserism should prevail in Canada.

Then again "There have always been those who imagine 'a whiff of grape shot' would stop the cry of the people for justice."

Is not that a true statement. I say, that time and time again when the people have risen up asking for something, no matter whether it was the abolition of chattel slavery, or the corn laws, they have been met with grape shot. It has not settled anything. There is only one agitator and that is injustice, and where there is injustice there will be agitators whether they be grape-shot or not.

Then again the article says: "There are some in Winnipeg who think the shooting on Saturday taught labor a lesson. But labor did not need the lesson. The parade was attempted and the blood of innocent men spilled 'without permission of the strike committee.'"

Some of our soldiers said "our leaders are in jail and they should not be there; we want them out. We want a silent parade." the returned men said to the strike committee. "You keep out of this." The Strike Committee had all along tried to keep away from martial law and here is something done without permission of the Strike Committee and certainly so far as calling up the mounties was concerned, that was done without the permission of the Strike Committee.

Then again—"Labor already knew that two dozen men on horseback shooting to kill could disperse a crowd of several thousand unarmed men and women."

Everybody knows that. One does not need to be a prophet or the son of a prophet to know that. When a dozen or two men go down to pull pistols they will clear the streets when there are thousands there.

Then again—"The committee of One Thousand has, however, many lessons to learn, among other things the members of that committee must be taught that ideas are more powerful than bullets." Is there any sedition in that? I want you to read the whole article. "The members of that citizens' committee must be taught that ideas are more powerful than bullets," even if some have been ridden down; remember that ideas are more powerful than bullets. Do not meet bullet with bullet or violence with violence, but remember that you must teach this committee that ideas are more powerful than bullets. They are the things we are fighting with. I submit there is no sedition in that.

Then again—"The blood of the martyrs is the seed of the church. We shall 'carry on' in spite of hell, till the victory is won." Did you ever read the hymn "Gates of hell shall never 'gainst the truth prevail?"

I submit that is the origin of that thought. We shall carry on in spite of hell; we shall carry on though there are mounted men upon the streets, we will demonstrate that ideas are more powerful than bullets and carry on so that the gates of hell shall never prevail against the truth. There is no use talking about Victory, it meant victory for the strikers and for collective bargaining and that is the idea, and the idea of all the people on the side of the strikers at that time. The idea they had in regard to victory was the establishment of collective bargaining. Unfortunately, we did not succeed. I submit that is the idea. I ask if there is any sedition in telling people they had better be in jail or martyrs? The soldiers on this parade were all for peace and law and order.

There is no sedition in saying don't give up, better we should go to jail and that if we should be ridden down, it were better to be ridden down than give-up—there is no suggestion of getting a gun or meeting violence with violence; the only suggestion is that Ideas are more powerful than bullets—I sub-

mit that is the truth, as I did yesterday, when I said the Christians were burned to light the streets of Rome. Many men then thought might was right, and that they could crush Christianity by that method. I say to-day that Christianity is more powerful than the Roman Empire. That Empire has passed away. Labor will go on in spite of opposition, although we have no collective bargaining, we will have it, and no bullets or anything else can stop it. Ideas are more powerful than bullets and that is what was being advocated.

We come now to this article entitled "Bloody Saturday." You notice the indictment reads the same way. What about it. Was it Peace Saturday or Violet Saturday or Rose Saturday. I should think the heading aptly described it. "R.N.W.M.P. make gory debut." Did they? Noble riders of the plains? I suggest they were not engaged in the noble business of hunting cattle thieves and it certainly was a gory business, for the ambulance wagons came down and carried away the wounded. "Peaceful citizens shot without warning." They were not warned. Of course there were some stones thrown. That is shown in the article. At the same time I want you to know that the mounted police rode down, and the crowd opened up and let them go through with their bats swinging at the saddle bows. They were largely returned soldiers; you remember them asking Mayor Gray to take the street cars off the streets; he did not do it; some of the horses got entangled in the fender of that car and the rider of one unhorsed. "City under military control; strikers more determined. One dead and a number injured, probably thirty or more, as a result of the forcible prevention of the 'silent parade' which had been planned by returned men to start at 2.30 o'clock last Saturday afternoon. Apparently the bloody business was carefully planned." It does not say the blood business was planned, but it looked as if it were, and you have heard the evidence of Mayor Gray that he read The Riot Act which he had in his pocket since the 10th of the month and the horses were standing in their stables and the special police were good and ready. When a request was made for a permit to parade the soldiers were told they would not be allowed to parade,—“for Mayor Gray”—goes on the article—“issued a proclamation in the morning stating that ‘any women taking part in a parade do so at their own risk.’” When he issued that proclamation the mayor intended to stop the parade whether there were women in it or not. “Nevertheless a vast crowd of men, women and children assembled to witness the ‘silent parade.’” There



might have been a lot of excitement. They would be there from natural curiosity. A lot of people went out to see the 'silent parade.' "The soldiers committee which had been interviewing Senator Robertson had not returned to their comrades when the latter commenced to line up on Main Street, near the city hall." There is no evidence they had returned. I am going to ask you to assume they had not returned. And the men were waiting for their committee to come back from seeing Mayor Gray and Senator Robertson. "No attempt was made to use the special city police to prevent the parade." I want to ask you to review the evidence on that, Mayor Gray says he was called from the Royal Alexandra Hotel at quarter to two, and that the Chief of Police told him he would not have enough men to handle the situation. The mayor said the fighting had started at 2.30. The mounted police left barracks before 2.30. When asked the time the special police came out Binning said 3.15. That would be a considerable time after 2.30 when the Mayor said the riot had started. When Dunwoody was asked he said he left the police station at 2.30. How would that tally with the acting chief constable? Dunwoody said he was standing good and ready until 2.30 with his men.

Then the article says "On a previous occasion a dozen of the old regular city police had persuaded the returned men to abandon a parade which had commenced to move." There is evidence of that. The evidence is that some six men came out of the police station and persuaded the returned soldiers to go back to Victoria Park, and the police went with them. You will remember at the meeting at which the soldiers were asking the mayor for permission to parade he refused them, and this man Bray we hear so much about, got up and said "Comrades if there is any parade today it will be over the dead bodies of your committee." That statement was made before the arrests and then some of their comrades were thrown into jail. They said "These men are in jail and we do not think they ought to be, and we want this parade to try and get them out." "On Saturday about 2.30 p.m. when the parade was scheduled to start, about 50 mounted men swinging baseball bats rode down Main Street." I do not think it is material whether they were in their hands or on the pommel of their saddles. I ask does it look like preparation when men came down swinging baseball bats? That has been denied. Whether it is true or false is really not an issue. There may be some immaterial differences. The point is the intention in writing this article. I am pre-

pared to assert that it is true. I am going to ask you to believe, although there is no evidence, that I as a reporter, stationed at the corner of Portage and Main—

MR. PHILLIPPS: There is no evidence of that.

MR. DIXON: There is no evidence of that, but I ask the jury to believe that.

THE COURT: You must not; you gave us some statements yesterday that were not in evidence at all.

MR. DIXON: I said there was no evidence—nor was there evidence of imaginary conversations that might have taken place between this that and the other man.

The articles then goes on "They quickened their pace as they passed the Union Bank." I think that is brought out in the evidence. Then again—

"The crowd opened, let them through and closed in behind them. They turned and charged through the crowd again, greeted by hisses, boos and some stones." I think that is brought in the evidence. Then again—

"There were two riderless horses with the squad when it emerged and galloped up Main street. The men in khaki disappeared at this juncture but the redcoats reined their horses and reformed opposite the old post office."

I ask you if that substantially agrees with the evidence here. The men had green horses, and the horses got the better of the men and carried them away, and the red coats had horses used to the work, and they reformed. The witness said they reformed 150 yards from William Avenue. I do not know if you are familiar with the city; that is about near the old post office. Then the article goes on—

"Then, with revolvers drawn, they galloped down Main street, turned, and charged right into the crowd on William Avenue firing as they charged."

The evidence is that is substantially correct, and the evidence is that so far as any attack is concerned it was in front of the city hall, and more to the north of the city hall than to the south. I want you to remember that William Avenue is south of the City hall and that is where they turned, firing as they charged.

"One man on the sidewalk" says the article "thought the mounties were firing blank cartridges until a spectator standing beside him dropped with a bullet through his breast. Another standing nearby was shot through the head. We have no exact information about the total number of casualties but there were not less than thirty casualties. The crowd dispersed as quickly as possible when the shooting began."

There is no disputing the testimony on that.

Binning said they ran; "Did they run?" "Yes they ran fast." You can draw your own conclusions about that. Anyway this one man was killed and he was not a mounted policeman and we know there were a number of wounded in that crowd. Then again—

"When the mounties rode back to the corner of Portage and Main after the fray at least two of them were twirling their reeking tubes high in the air in orthodox Deadwood Dick style."

Sergeant Binning said he did not see that; and he was riding behind the line, but although he did not see it it might have happened. Then again—

"Some individuals, apparently opposed to the strike, applauded the mankillers as they rode by."

It is quite possible there might be some applause and Binning did not hear it when he was riding up the street, the noise of the horses hoofs on the asphalt might drown the applause.

Then "the special police swinging their big clubs, were then thrown across Main street, and the intersecting thoroughfares."

That corresponds with Binning's evidence when he said he came out about 3.15.

"Dismounted red-coats lined up across Portage and Main, an officer rode up and down Main declaring the city under Military control. Khaki clad men with rifles were stationed on the street corners."

Is there any dispute about that?

"There were no open air meetings on Saturday night, but the central strike committee met as usual and resolved to 'carry on' with redoubled vigor. If the city remains under

military control, meetings will likely be held outside the city limits."

I want you to assume that this was written with an honest intention, giving a recital of events that actually occurred. Now I ask you if that is in defiance of authority? There is no suggestion of action in that whole article except that if the city remains under military control, meetings will likely be held outside the city limits. Is not that if the city remains under military control let us go out on the prairie and hold our meetings? Then again—

"Indignation at the action of the authorities was forcibly expressed by returned men. They feel that the prevention of the parade was an infringement of the human rights they have fought to defend and they are especially incensed by the murderous assault of the mounties upon an unarmed crowd." Do you think the soldiers would be incensed after they had been ridden through in that way?

You will assume the soldiers forcibly expressed themselves on that occasion.

"One man, recently returned, said "They treated us worse than we ever treated Fritzzy."

Does that mean they did not shoot at Fritzzy when he did not have a gun? Then again—

"The returned men assumed full responsibility for the 'silent parade' proposition making a special request that the strikers should not join them. 'This is our affair' they declared. Had they intended violence they would hardly have invited their wives to join in the parade."

What do you think of that? Do you think they would? Do you think, if they intended any violence they would have invited their wives to the parade? Would they try and hide behind women's skirts? I submit not. What they did they did without intending violence and did not believe the authorities would shoot them down when their wives were there."

There is the article, and you can consider it in full. That is evidently intended to be a recital of events, but the only line of action suggested—the only suggestion of any action is if the city remains under military control meetings will be held outside the city limits, not resist the authorities or defy them, but go outside the city. Let us go out on the open prairie and

hold our meetings there. Is there anything there to incite riot or unlawful assembly or resistance to constituted authority I submit there is nothing of that.

Then in article No. 3. "Alas! The poor Alien." It reads as follows: "When is an alien not an alien?" Answer: "When he is a rich man, a scab-herder or a scab." At first our opponents tried to divide the returned men from the labor forces by attacking the alien in the ranks of organized labor. There are comparatively few men of alien birth in the organized labor movement. The returned men know this." You remember from the evidence the resolution passed by the Strike Committee that they were willing to assist the authorities in deporting all undesirable aliens. Then—

"They know that so long as the alien is in this country it is better that he would be in the union and thus assisted to keep from scabbing on other workers. Returned men knew that aliens have taken a very insignificant and a strictly incidental part in this strike. They know that the Strike Committee has passed a resolution in favor of deporting all undesirable aliens."

— Is there any sedition in that? Then again—

"Knowing all this, the returned men have not been divided from labor by the alien cry which has been raised by the Committee of One Thousand, from ulterior motives."

Now, I want you to mark the date in June of this article and the evidence that has been given in regard to the riot that happened in January. The crown counsel, I think, said the soldiers were insisting that certain meetings should not be held, and he said "Rightly so." I submit what we want in this country is to establish a condition of things where what is done will be done by the law, not by violence on the part of soldiers or aliens or anybody else.

Then again we have the following: "Now the opponents of labor are trying to intimidate the aliens and separate them from the forces of labor. If an alien will become a scab-herder or a scab he will be protected. If he stands loyal to his fellow-workers he is threatened with arrest and deportation. There is little doubt that the wholesale arrest of aliens is an attempt to insinuate that the strike is depending largely on alien support."

The argument is keep together—don't split up. We have been told, and I might submit that some of these reports appear to be exaggerated—for example, when the mayor said it was 75 per cent. aliens and 25 per cent. returned men in that first parade that waited upon him, I submit it was an exaggeration. But they were not divided by this cry of aliens in whatever proportion they happened to be, for, as Batsford testified, the bohunks were sticking pretty close to the soldiers. Then the article goes on—

"Coupled with this is the idea that the British and Canadian born workers who constitute the great majority of the strikers would leave these arrested aliens in the merciless hands of the authorities without protest."

You will remember there were some aliens who were under arrest and threatened with deportation but were afterwards released.

Don't you think all this is evidence that any laborers who will take the place of the strikers will be called sane labor? The insinuation is that all the strikers were insane—only those staying on the job were sane, no matter what their nationalities. Then the article goes on—

"If labor did this it is highly probable that the exploiters would be able to persuade many aliens to scab on the strikers. The bosses would have succeeded in dividing the forces of labor, and by dividing they hope to conquer. As Alderman Fowler said: 'We must get sane labor to defeat insane labor.' According to the profiteers, all scab labor is sane labor, no matter what nationality. Once again they will fail. The returned men know, for instance, that some of their comrades of foreign birth have been arrested, held without bail, and threatened with deportation without the formality of a civil trial, and they say: 'If an alien is brave enough to fight in Flanders for British law and British justice he is entitled to all the privileges of British citizenship.' Therefore neither labor nor the returned men will desert comrades who may be called aliens."

Now, then, is there any sedition in that? Ask yourselves the question. If an alien is brave enough to fight in Flanders for British law and British justice he is entitled to all the privileges of British citizenship.

Now, if you say that is sedition, send me to jail, for so long as I am free I shall continue to make that statement. If

an alien is brave enough to fight in Flanders for British law and British justice he is entitled to all the privileges of British citizenship. The question is, Is he, or is he not? Then it goes on—

“Let us have British fair play and British justice for all. If after a fair trial undesirable aliens are found let them be deported. Meanwhile, how about deporting the profiteers. Everyone knows they are undesirables.”

Where is your doctrine of hate and the class struggle? Let us have British fair play and justice for all. “All” means everybody; there is no limitation to that. That is what we want in this country; no threatening to be deprived of a civil trial. But British justice and fair play for everybody, and if a man be found guilty let him be punished, and once again I say if that is seditious send me to jail, for so long as I am a free man I will say “Let us have British justice for all.” If after a fair trial men are found guilty, let them be deported, whether they be aliens or British born.

In the meantime what about the profiteer? Do we know it or do we not? They come under the classification so that you could even deport them. Yet you do not find thousands of dollars being spent to prosecute the profiteers. I said the Rosses and Flavells and Allison's still have a place in the sun. Let them be tried, and if proven guilty let them take the punishment as well as the meanest alien that has entered Canada. So much for the articles. It may be the last sentence contains the key of this prosecution. It may be because it is lese majestee against the profiteers. I have no doubt some people would like to see me in jail, and glad I am not able to be in the sessions of this parliament, because I am in this court, and I have no doubt some people would like to see me driven out of public life altogether. Gentlemen, with your assistance, I shall do my best that that shall not happen. I ask why was I sought out? Why did not Morris lay an information against MacDonald who wrote that letter? Why did Morris the defective select me? When they searched they went to the Winnipeg Engraving Company and put in the files and next morning they took them to the police station and delivered them to Mr. Phillipps. Gentlemen, I want you to consider that in considering the whole thing, and also why this matter was delayed from last July until this February. I believe His Majesty has been misled into persecuting me. But I am not complaining.

I have made my decision and counted the cost. I have decided that I would stand on the side of the poor people, and hope, no matter what happens, I will be able to say with Henley:

"In the fell clutch of circumstance

I have not winced nor cried aloud.

Under the bludgeonings of chance

My head is bloody but unbowed."

I am not seeking martyrdom nor running away from it. I have all the natural feelings of a man. I like liberty and I like the sunshine and good food, warm raiment, and a house to live in and intercourse with my friends and my family.

But you are not here to consider my personal feelings. An individual in this universe is a very small thing. We are only like the grains of sand; today we are here and tomorrow we are gone. You are here to consider the public interest, and take into consideration all the circumstances, remember your oath and your conscience, and use your judgment and give us your verdict according to the evidence which has been laid before you. I am asking you to deal with me as I would deal with you if I were sitting in that jury box and you were standing in my place.

You are the last hope so far as the liberty of the subject is concerned. The crown counsel and learned judge on the bench they handle the law. I am only asking from you justice according to the evidence that has been laid before you, and according to your conscience and your judgment. In your hands is placed the question of the liberty of speech. Whether a man has a right to criticize government officials or not. I want to quote again the man who spent the greater part of his life defending men from charges of publishing seditious libel—Erskine said: "Other liberties are held under government, but liberty of opinion keeps governments themselves in due subjection to their duties."

I want you to look over your history and I want you to consider that—I do not want liberty of speech to be wounded through my body! whether my body is wounded matters not, but it does matter that liberty of opinion be preserved for yourselves and your children and all the inhabitants of this



country. We are on the eve of a great social reformation just as there was once a great religious reformation. We should keep open the door with regard to ideas about social problems. There are some good and some bad ideas. Everyone seeking for gold is not going to find the precious metal. Leave the door open; let every idea in. There will be some foolish and some wise, and I submit that we in Canada are grown up and can look over literature and take what we want and reject the balance. If ideas and opinions be foolish let them be rejected; if good let them be accepted. The more some of them are exposed the flatter they get. Let ideas be exposed to the sun and the poor ones will soon flatten down. If we are to adopt the doctrine of crushing and suppressing ideas we are driving their authors into the dark breeding places the same as the Czar of Russia did. The reason we enjoy our liberties now is because in the past they let people speak out. The people had brains enough to see what was foolish and what was false, and sense enough to reject what was false and hold to the truth, and I submit that should be the basis of our public policy in Canada today.

Gentlemen, I do not want to take up much more of your time. I am nearly through. As I said at the beginning, I am not being tried for this strike. There has been a great deal of that laid before you. If I have taken rather more time than I would under other circumstances it is because I felt I must remove those paper bricks with which this case has been built up. If there is any crime it must be found within the four walls of the indictment. If there is any seditious intent, it must be expressed within these three articles. If there is any doubt it must be in my favor. I ask you to read these articles and see if there is any seditious intention expressed. It must be expressed as the intention of the farmer is expressed on his farm or the artist in his picture. I want you to take the indictment, and not look at the trimmings and insinuations. Look at it and say if there is any sedition expressed or whether in your opinion it is language used by an honest man trying to express an honest opinion; there may be a sharp word or mistake, but were they written with an honest intention? One learned man said: "We don't send men to jail unless they have a guilty mind." I want you to look me square in the eye. You have watched me for two weeks and heard some of the articles I have written and speeches I have made. Do I look like a criminal with a guilty mind? Is my demeanor that? Do

these articles express a guilty mind? I ask you to think that over before you express your verdict and think over the evidence before you. I want you to think of the evidence of the various witnesses. Not one heard me advocate the O.B.U. or Soviet. You have the testimony so far as the Socialists are concerned; the Socialist Party of Canada have consistently opposed me, and then R. B. Russell was knocking hell out of the Labor party, and you have the evidence that I am president of the Dominion Labor party.

Is there anything seditious in the Labor Party programme? Would they elect me if I had a guilty mind? A great deal of evidence has been put in and no connection shown. It has been shown they have been at one meeting, I have not. Sometimes I have been held responsible for something they did at another place. My name appears but twice in the letters put in. I want to submit the whole thing has been built up to put something in your minds I have nothing to do with. Everything is built up in the hope that there might be implied that there is seditious intention. I submit if the articles were expressive of seditious intention, then no one would need to spend two weeks to try and build up a case. After the crown counsel has spent two weeks trying to build up a case he has not shown there is sedition expressed in those articles. I ask you to remember I am in your charge. You are the last hope of the subject so far as liberty is concerned, and you are sworn to make a true deliverance, that is, you will turn me over to His Majesty for punishment or tell me to go free. Your verdict will decide that. I want to submit it is a very important verdict, not only so far as I am concerned, but so far as the public is concerned, so far as whether we have a right to express our honest opinions or whether we have not; that concerns you and your children almost as much as it concerns me. I want to say, as far as I am concerned, the only verdict I want from you is the verdict I would give if I was sitting in your place and you standing in mine. I want you to deal with this case according to your judgment and conscience. I want to say to you, gentlemen, that whenever in the course of my life I have had to decide on a question of principle, there is one question I invariably ask myself—"Now, Dixon, supposing you knew you were going to die tomorrow, what would you do in this case?" I can tell you the answer to that question has been a very safe guiding rule regarding conscience. Now, gentlemen, I ask you to think in the same way; put the same question to

yourself. What would you do in this case if you were going to die tomorrow? What would you do in this case—if you knew you were going to meet your maker in the morning?

I may die tomorrow; you may die tomorrow. I am going to ask you how you would feel if, when you appear before the judgment throne, some stern accuser should want to hold you responsible for the actions of other people. I say, gentlemen, we shall have enough to do to answer for our own sins. I want you to think it over in that light, and take it into consideration in that light, and having in view your oath, and using your best judgment in giving the decision, give your decision as you would if you knew you were going to be before the throne of your maker tomorrow morning.



Judge Galt's  
Charge to the Jury

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*In*

REX v. DIXON






# Judge Galt's Charge to the Jury

IN

REX v. DIXON

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Gentlemen of the Jury: You must be glad indeed, as I am, after these fifteen days of trial, to at last come near the end and be relieved from the onerous duties which have fallen on us all. For you realize, just as I do, that a man may be performing hard work even when he is sitting still all day, paying rigid attention to everything that goes on before him. It is really hard work, and at the end of two weeks he is nearly fagged—that is the condition you and I feel at the present moment. The case which has called forth this exercise on our part is a very important one to the country, although the punishment for it, as the accused has mentioned, is only two years—people may reasonably ask, what is the use of wasting two weeks over a matter of that kind, when men are sent down for five or six years for stealing an automobile or wheelbarrow? Why should you worry about a thing that at most involves imprisonment for two years, and spend so much time over it? Well, gentlemen, the circumstances of the case are very unusual, and of wide importance. It is something that the man accused before you of this seditious libel is a member of the Local Legislature. Now it may have appeared to you that it was by reason of that that I have been permitting him to sit at the table instead of in the dock where other prisoners accused with crimes sit. But you will remember when he commenced his trial he had a counsel and a great many papers, and that is why the indulgence was extended to him, not because he was a member of the Legislature, but in order to facilitate him in his defence.



Now, remember that he has been accused of writing seditious articles which are admittedly his writing, during the occurrence of a most lamentable strike, which was rife in the City of Winnipeg during the month of May and early part of June of last year. You must take note of the circumstances that occurred before and even after the strike, because the crime that he is accused of depends upon the intention with which he wrote the libels in question.

The Code lays down what the crime is, including its punishment. Sec. 132 (2)—A seditious libel is a libel expressive of a seditious intention. Sec. 133 "No one shall be deemed to have a seditious intention only because he intends in good faith—

(a) to show that His Majesty has been misled or mistaken in his measures; or

(b) to point out errors or defects in the government or constitution of the United Kingdom, or any part of it, or of Canada or any province thereof, or in either House of Parliament of the United Kingdom or of Canada, or in any legislature, or in the administration of justice; or to excite His Majesty's subjects to attempt to procure, by lawful means, the alterations of any matter in the state; or

(c) to point out in order to their removal, matters which are producing or have a tendency to produce feelings of hatred and ill-will between different classes of His Majesty's subjects.

The next section goes on to provide that every one is guilty of an indictable offence and liable to two years' imprisonment who is found guilty of sedition.

That is the law under which the accused is being tried. The government of this country has come to the conclusion that that punishment is far too little, and has changed the law. It does not affect the case before you, but twenty years is the limit from now on. Now the accused has conducted his own case, and I am sure you will agree with me in complimenting him very highly on the skill he has shown in conducting it. I do not think he could have readily found in Winnipeg, a lawyer

who could have done it any better than he has done it for himself. In that respect he has lost nothing I am sure in his defence.

In so conducting it, he has spoken about the meaning of seditious libel being expressive of a seditious intention. Well, you have to take into account, gentlemen, when you have a paper put before you like that, the circumstances under which it was written. Things do not always mean exactly what they say; they may be either stronger or weaker in the meaning, according to the circumstances under which they are written. I do not know that I could give you any better illustration of that than is to be found in the case that the accused himself referred to, *Regina vs. Burns et al*, 16 Cox C.C. 355. It appeared that the defendants made speeches at certain meetings in Trafalgar Square and that shortly afterwards many persons in the audiences ran to certain adjoining localities and shop windows were broken and the contents of the shops thrown into the street. The Crown did not suggest that the defendants desired the disturbances to take place, or that they directly excited the crowd to cause these disturbances, otherwise than that they, the defendants, must have been aware of and were answerable for the natural results of the language they use. Mr. Justice Cave, in charging the jury, says this, in the report of the case in 16 Cox's Criminal Cases, page 359: "The law upon which the question of what is seditious words and what is not is to be found stated very clearly in a book by a learned judge, my brother, Stephen, who has undoubtedly a greater knowledge of the criminal law than any other judge who sits upon the Bench, and what he said upon the subject of sedition was submitted to the other learned judges, who some time back were engaged with him in drafting a criminal code, and upon their report the commissioners say that his statement of the law appears to them to be stated accurately as it exists at present."

This is what Mr. Justice Stephen says: "Everyone commits a misdemeanour who publishes verbally or otherwise in words or any document with a seditious intention. If the matter so published consists of words spoken the offence is called the speaking of seditious words. If the matter so published is contained in anything capable of being libel the offence is called the publication of a seditious libel. A seditious intention is an intention to bring into hatred or contempt, or



to excite disaffection against the person of Her Majesty, her heirs or successors, or the government and constitution of the United Kingdom, as by law established, or either House of Parliament, or the administration of justice, or to excite Her Majesty's subjects to attempt otherwise than by lawful means the alteration of any matter in Church or State by law established, or to raise discontent or disaffection amongst Her Majesty's subjects, or to promote feelings of ill-will and hostility between classes of such subjects." Stephen, J., is a judge of very great accuracy, and for every proposition there laid down there is to be found undoubted authority. He goes on to point out what sort of intention is not seditious. It is also important to consider that, because there we get a light thrown upon the subject from the other side. "An intention to show that Her Majesty has been misled or mistaken in her measures, or to point out errors or defects in the government or constitution as by law established with a view to their reformation, or to excite Her Majesty's subjects to attempt by lawful means the alteration of any matter of Church or State by law established, or to point out, in order to their removal, matters which are producing, or have a tendency to produce, feelings of hatred and ill-will between classes of Her Majesty's subjects, is not a seditious intention." So there he gives in these two clauses what is and what is not sedition.

Now, gentlemen, from the above statements of the law you will understand pretty well what the meaning of seditious libel is. The present case had not proceeded far before the Crown proposed to put in evidence of a totally different crime from the one accused is charged with, namely, the crime of seditious conspiracy, and the Crown alleges that Mr. Dixon was one of the conspirators, in this conspiracy, and that having been so, he was affected and obtained certain knowledge and acquired certain principles which would be important evidence for you in trying to ascertain whether the language he used in June, 1919, was or was not of a seditious character. Was he really, as he says before you, endeavoring to honestly criticize things that were wrong and have them set right, or did he not in reality intend to stir up disaffection, hatred, ill-will, and so on, among the people of this country? Now, as a rule, it is not allowable when a man is being tried for one crime to give evidence of his complicity in some other crime not connected with it in order to show that he was a man of

evil disposition or anything such as that. But it is allowable to give that evidence where the question is with what intent did he do the second act, which he is being tried for? Had he an honest or mistaken opinion of what he was doing, was he acting honestly or was he acting dishonestly with a seditious intention behind it? In order to show that, the Crown is at liberty to give evidence of previous acts, in order to ascertain the intent with which he did the acts in question. In admitting this evidence, I rely upon the decision in *England of Rex. v. Shellaker*, 1914, 1 K.B., 414 (pages 417 and 418) and the case of *Rex v. Kelly*, 27 M.R. 105, in our own courts.

Now, in regard to conspiracy, I will just tell you what the crime of conspiracy is, not so much in order to show the liability of the accused here, but in order to distinguish it in a way, because he is not being tried for conspiracy at all. A conspiracy is an agreeing or combining together by two or more persons, to accomplish some unlawful purpose, or to accomplish a lawful purpose by some unlawful means.

A seditious conspiracy is an agreement between two or more persons to carry into execution a seditious intention. (See Code, sec. 132.)

To prove conspiracy, there need not be evidence of direct concert, nor even of any meeting together of the defendants; the agreement may be inferred from collateral acts raising a presumption of the common design. (See Phipson, *Law of Evidence*, 5th ed., at p. 79.)

This statement is of importance in Mr. Dixon's case because he argues that the Crown has not produced any letters to or from him in reference to this conspiracy. That is not necessary; his connection with it may be inferred from collateral acts raising the presumption of a common design.

What was the conspiracy alleged against the accused? I must speak very plainly to you on this subject, notwithstanding that there are men upstairs being tried for this very conspiracy. Fortunately, the juries do not have access to one another—they do not know what is transpiring here, nor do you know what is transpiring there.



According to the evidence laid before the court here I have to deal with this case. I am not going to take much time over that, because the evidence has been so clearly and fairly summed up by counsel for the Crown that I think it would be a waste of time to go over all these circumstances again. The evidence is uncontradicted; there is nothing against it; and it clearly shows, to my mind, the creation of the most infamous conspiracy I have ever heard of in Canada. That is my opinion about it. It was conceived down in Quebec by some of those men whose names you will probably remember, although it is several days ago that the matter came up. The eastern members of that labor conference at Québec did not like a certain radical resolution, and the attitude of the men who came from the west down there, so these western labor leaders and delegates put their heads together to formulate a scheme of their own, and they determined to have a labor conference out in Calgary.

Now, before that conference took place there was a meeting held here at the Walker Theatre, Winnipeg. You will probably remember the evidence given in regard to that meeting. Amongst the people present at that meeting were the accused Dixon, Ivens, George Armstrong, R. B. Russell, and Sam Blumenberg. Dixon, if I remember rightly, seconded the resolution with regard to the release of political prisoners. The first resolution was aimed at abolishing orders-in-council. Now, gentlemen, at the time we had only emerged from the war—the Armistice was only just signed—the war was not in any definite sense over, not legally, a great deal remained still to be done, and peace had not been signed, but the Armistice was granted on the 11th November, 1918. Now, this meeting was held on the 22nd December, at the Walker Theatre, and those gentlemen whose names I have given you, including the accused, met together on the public platform and demanded the cancellation of all orders-in-council, the release of political prisoners, and the withdrawal of all troops from Russia. Some of these orders-in-council related, as you will remember in the evidence, to the circulation of objectionable literature. A lot of that literature has been laid before you, and I am sure you will agree with me and with the government—if I may say so respectfully—in coming to the conclusion that it was of a villainously objectionable character. They say, "Why cannot we disseminate any literature we like, no matter what, even though it does show that almost everybody

who has not got a pick and shovel in his hand is a thief and robber or profiteer?" Some evidence before you goes that far.

This man Dixon was on the platform at that time. He heard those resolutions put and approved of them too. He does not pretend that there was any objection raised; these resolutions were carried unanimously.

Now, on the face of them, they were not so seditious as the real meaning behind them subsequently showed them to be. We have the proceedings of the conference before us; they have been disclosed to you, and I should be very much surprised if you did not come to the same conclusion I have expressed, that they expressed on the face of them the most infamous conspiracy that can very well be imagined. Look what they were aiming at doing. Here are some of them. I will give them as I have them in my memorandum. They were to have a six hour day—most of us have to work a good deal longer than that. That is not very seditious in itself. Secondly, the Calgary conference decided to call a general strike on the 1st of June to carry out their intentions to subvert the government of this country and take over all the industries in it. They passed another resolution, Resolution No. 3 in my notes, approving of a Soviet government. Fourth, they were in full accord with Russian Bolshevism. Fifth, aim at acquiring all industries and profits. Sixth, to adopt the principles of the O.B.U.

Now, gentlemen, is it possible to speak of these resolutions otherwise than as an infamous conspiracy? And every man who took an active part in that meeting in Calgary deserves to be behind the bars and kept there for much longer than two years.

Well, they decided to call a general strike for the 1st of June. I should tell you that they adopted all three of the resolutions that were passed at the Walker Theatre on December 22nd, one of which was seconded by the accused. But it transpired that the 1st of June might be too late; and an event had occurred to assist them in their seditious conspiracy. A strike had broken out here in the metal trades and building trades, and the thought occurred to these men, if we have a general strike on the 1st of June, we may get into

trouble over it; for there is no reason for it. We can attain the same end by having a sympathetic strike along with these men in Winnipeg who have gone out.

A little after the conference was over they sent a man named Joe Knight down here to carry on their scheme. He came to Winnipeg and made all necessary arrangements to call a sympathetic strike to support the men who were already out in Winnipeg.

Now, when the Calgary conference was dealing with the question of calling a general strike in June, there was no talk about collective bargaining, nor any complaint about wages. But all of a sudden it was discovered that nearly all of the unions in this vicinity were greatly oppressed because they could not get collective bargaining or a living wage. Nobody had been complaining. Lots of them did not understand what collective bargaining meant, but it was foisted upon the unions of Winnipeg that they had grievances, and that the men out on strike should be supported. Well, that is what actually happened. They were called out in sympathy with those men who were complaining about collective bargaining.

Now, gentlemen, at this stage I think I must tell you something of the law regarding strikes, as to their legality or illegality, because there seems to be considerable misapprehension upon the subject.

At common law all strikes were considered illegal because the purposes of a trade union were in restraint of trade. (See *Hilton vs. Eckersley*, 6 E. & B. 47, and *Reg. vs. Druitt*, 10 Cox C.C., 592.)

The law was altered by the Trade Union Act (1871), which provided amongst other things:

"2. The purpose of any trade union shall not, by reason merely that they were in restraint of trade, be deemed to be unlawful, so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

"3. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful, so as to render void or voidable any agreement or trust."

The law was further altered by the Conspiracy and Protection of Property Act (1875), which contains the following provisions:

"3. An agreement or combination by two or more persons to do or to procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime.

"Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by any Act of Parliament.

Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against the State or the Sovereign."

Section 4 provides a penalty and imprisonment in the case of any person employed by a municipal authority or by any company or contractor upon whom is imposed by Act of Parliament the duty, or who have otherwise assumed the duty of supplying any city, town or place with gas or water, if such person wilfully and maliciously breaks his contract of service with such company, etc., either alone or in combination with others.

Section 5: "Where any person wilfully and maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, he shall, on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labor."

This Act of 1875 also contains the following provision :

Section 7: "Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority,



1. Uses violence to or intimidates such other person or his wife or children, or injures his property; or

2. Persistently follows such other person about from place to place; or

3. Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or

4. Watches or besets the house or other place where such person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or

5. Follows such person with two or more other persons in a disorderly manner in or through any street or road, shall, on conviction thereof by a court of summary jurisdiction, or an indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labor.

Attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section.

The laws of England were introduced into Manitoba on July 15th, 1870, but the above provisions of the English law have all substantially been introduced into Canada and now form part of the Criminal Code. (See secs. 496, 497, 498, 499, 501 and 590.)

The effect of the above Acts of 1871 and 1875 was carefully considered by the Court of Appeal in England in *Lyons vs. Wilkins*, 1896, 1 Ch. 811. There the defendants, officers of a trade union, ordered a strike against the plaintiff manufacturers, and also against S., a person who made goods for the plaintiff only; and their pickets by direction watched and beset the works of the plaintiffs and of S., for the purpose of persuading workpeople to abstain from working for the plaintiffs

The Court of Appeal (affirming the decision of North, J.), held that this kind of picketing and the strike against S. for

the indirect purpose of injuring the plaintiffs, were illegal acts, and they granted an interlocutory injunction to restrain the defendants and their agents from watching or besetting the plaintiffs' works for the purpose of persuading or otherwise preventing persons from working for him, or for any purpose except merely to obtain or communicate information; and also to restrain the defendants from preventing S. or any other person from working for the plaintiff by withdrawing his or their workmen from their employment.

Lord Justice Lindley says at page 822: "Strikes and trades unions which were formerly considered illegal have now been legalized—at all events, so far as the doctrines as to restraint of trade are concerned—and a strike can be conducted up to a certain point with perfect legality. Persons cannot only decline individually to work for a master except upon terms which the workmen desire to obtain; but they may combine to do that. They can combine to leave him; they can strike unless he will raise the wages up to what they desire, and trade unions which assist them in withdrawing their own labor and declining to work, and which assist them in supporting themselves during the strike, can legally do so. Then arises a difficulty, which is as well known to those who conduct trade unions as it is to the masters, and to all persons who have experience in these disputes, and it may be put thus: 'If that is all that we can do, we may be defeated by the masters making arrangements with other people who may be willing to work for them either by taking the work home, or by working for less wages than we think is right, and unless we can stop that our strike may be ineffective.'"

Then comes the struggle.

Now, Parliament has not yet conferred upon trade unions the power to coerce people, and to prevent them from working for whomsoever they like upon any terms that they like; and yet in the absence of such a power it is obvious that a strike may not be effective, and may not answer its purposes. Some strikes are perfectly effective by virtue of the mere strike, and other strikes were not effective unless the next step can be taken, and unless other people can be prevented from taking the place of the strikers. That is the pinch of the case in trade disputes; and unless Parliament confers on trade unions the



power of saying to other people: "You shall not work for those who are desirous of employing you upon such terms as you and they may mutually agree upon," trade unions exceed their power when they try to compel people not to work on the terms fixed by the unions. I need hardly say that up to the present moment no such power as that exists. By the law of this country no one has ever and no set of people have ever had that right or that power. If Parliament chooses to confer it on trade unions it will do so as and when it thinks proper, and subject to such limitation as it thinks proper; but it is idle to pretend not to see that this struggle exists. Trade unions have now been recognized up to a certain point as organs for good. They are the only means by which workmen can protect themselves from tyranny on the part of those who employ them; but the moment that trade unions become tyrants in their turn, they are engines for evil: they have no right to prevent any man from working upon such terms as he chooses."

Lord Justice Bay says at page 828: "What has been done is this: Messrs. Lyons & Co. were giving wages which the Leather Trades Union thought were in some instances too small. Thereupon the trade union give Messrs. Lyons & Co. notice that they object to these wages, and that they shall call out the workmen and induce a strike if these wages are not altered. Messrs. Lyons & Co., abiding by their particular course of business, refuse to raise the wages, and a strike is resolved upon, and this trade union does all in its power to encourage and carry out and make effective the struggle. Before the Acts of 1871 and 1875 the strike itself would have been illegal. The combination of a number of persons to induce and encourage and bring about a strike would also have been an illegal act. But s. 3 of the Act of 1875, which Lindley, L. J., has just read, rendered legal an 'agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen,' and provided that it should not be indictable as a conspiracy 'if such act committed by one person would not be punishable as a crime.' There it appears that strikers are legalized by Act of Parliament, and that one person would not be indictable for a crime by endeavoring to encourage or bring about that which in itself is not illegal, namely, a strike. Therefore a combination of two or more persons to do this would come exactly within the words of the 3rd section

of the Act, and would not, since this Act of Parliament, be an offence against the law.

But then it does not go further than that. At present the Legislature has simply legalized strikes, and a strike is an agreement between persons who are working for a particular employer not to continue working for him. Also, I take it that under the terms of the section which I have read it is not illegal for a trade union to promote that strike. But further than that the law has not gone."

The Lord Justice proceeds next to deal with the defendants' acts in calling out the employees of one Schoenthal, who carried on work at his own place of business and did a certain amount of work for the plaintiffs. "He employed workmen under him separately; and this trade union intimated to him that if he went on working for the plaintiffs that they would call out his workmen—not because there was any quarrel between him and them, not because they objected to the wages he was giving them, not in order to make a strike of the workmen for the sake of the workmen as between them and their employer—but for the express and direct purpose of preventing Schoenthal from working for Messrs. Lyons & Co. and putting in this manner additional pressure upon Lyons & Co., so as to induce them to come to the terms which they wished to establish between Messrs. Lyons & Co. and the workmen of Messrs. Lyon & Co.

"Now, are those acts illegal? It seems to me that one has only to look at the Act of Parliament to see that it is quite impossible to maintain the legality of either of those acts. I hold distinctly that it is illegal to picket the works or place of business of a man by persons who are distributed and placed for the purpose of trying by persuasion to induce the workmen of that man not to work for him any longer, or to induce people who want to work for him to abstain from entering into an agreement with him to do so. That seems to me to be illegal; and still more clearly is it illegal to induce a man to prevent a man in the position of Schoenthal from working for the plaintiff by calling out the workmen of that man, and inducing them not to work for him, that being done for the purpose of putting pressure both upon Schoenthal and upon Messrs. Lyons & Co. by preventing Schoenthal from working

for Messrs. Lyons. I cannot read s. 7 without seeing distinctly that those things are not permissible by this Act of Parliament, and no Act of Parliament can be referred to which makes them lawful."

The case subsequently went to trial, and judgment was given in favor of the plaintiffs, and was affirmed by the Court of Appeal (1899 1 ch. 255).

The calling out of Schoenthal's employees was, to all intents and purposes, a sympathetic strike, and was pronounced to be illegal.

Section 3 of the Conspiracy Act, 1875, is the section referred to by the judges in Lyons vs. Wilkins, as the provision which legalized strikes. The section contains the following additional words: "Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by an Act of Parliament."

Section 590 of the Code is thus expressed:

"No prosecution shall be maintainable against any person for conspiracy in refusing to work with or for any employer or workman, or for doing any act or causing any act to be done for the purpose of a trade combination unless such act is an offence punishable by statute."

I think that section 590 of our Code is substantially the same in effect as section 3 of the English Conspiracy Act of 1875, and should receive the same interpretation. But it is clear from the judgments in Lyons vs. Wilkins that from 1875 up to 1899 strikes in England might be legal or illegal, according to the circumstances, and that anything in the nature of a sympathetic strike was wholly illegal.

We also have authority in Canada in interpreting the language of section 590. The expression, a "trade combination," mentioned in the section, is defined in section 2 of the Code as "(38) 'trade combination' means any combination between masters or workmen or other persons for regulating or altering the relations between any persons being masters of workmen, or the conduct of any master or workman in or in respect

of his business or employment, or contract or employment or service."

In *Reg. vs. Gibson*, 16 O. R. 704, the evidence showed that the defendants, members of a trade union, had conspired to injure a non-unionist workman by depriving him of his employment.

Chief Justice Armour, at page 712, after quoting the above definition and the clause now known as section 590 of the Code, says: "Now, what is meant by 'the purposes of a trade combination' in the second branch of this section? Clearly the purposes defined in the first branch of the section, namely, the regulating or altering the relations between any persons being masters and workmen, or the conduct of any master or workman, in or in respect of his business or employment, or contract or employment or service.

"The members of this union were a combination of workmen, and as such they had the right under the first branch of this section to regulate or alter the relation between themselves as workmen or the conduct of any one of themselves as such workmen, in or in respect of his business or employment, or contract or employment or service.

"But what these defendants and other members of this union present at the meeting referred to conspired to do was not within any of the purposes of their combination permitted by law, nor was it even within the purposes of their constitution and rules.

"The authorities leave me no room to doubt that the defendants in conspiring as they did to injure Buscombe by depriving him of his employment were guilty of an indictable misdemeanour, and I am clear that what they thus conspired to do was not for the purposes of their trade combination within the meaning of the statute."

According to the definition given by Lord Justice Kay, "a strike is an agreement between persons who are working for a particular employer not to continue working for him."

That is the kind of strike, and the only kind, which was legalized by the Acts of 1871 and 1875 in England. The law

now in force in Canada is the same as it was in England under those Acts.

But a strike, the purposes of which involved such criminal offences as are set forth in sections 4, 5 and 7 of the Act of 1875 in England, and which now form part of our Criminal Code, was an illegal strike in England, and is illegal in Canada today.

The so-called sympathetic strike of last May and June in Winnipeg and other cities in the west involved every offence which the Code prohibits in section 496, 498, 499, 501 and 590; consequently the strike was wholly illegal.

Now, gentlemen, these are the provisions which are necessary to call your attention to in going on with the history of what I call this infamous conspiracy that has been proved by undisputed evidence. The strike was called on the 14th May, for the following day. The strike was an illegal strike from the very start. Most of the people who joined in it were simply dragged into it. Those men who knew what had taken place in Calgary, knew perfectly well that the workers in this town and the various industries we have had before us in evidence, were not complaining at all, but they were ordered out; they had to come out; at least, they thought they had. I do not know how this one extreme limit was given—in one instance where there was a union composed of 400 men. The vote came on and only 80 of the members voted, 20 voted against the strike and the other 60 in favor of the strike, yet these 340 men who did not express any desire for a strike and did not want one at all were compelled to go out by the vote of those 60. Now, I do not doubt that that is not an exceptional case. I wonder how many of the men of Winnipeg, decent, honest men, working day after day, realized when they went out on strike that they were not really summoned out in sympathy with these other people at all, that they were ordered out on strike by reason of the conspiracy hatched at Calgary, weeks and weeks before, in which no question of collective bargaining had been raised. Do you think they would have come out on strike here if they had known that? I have far too much confidence in the good sense and loyalty of the people of this town to imagine that ten per cent. of these thirty-five thousand men who are said to have come out ever would have

come out if they had known the truth in relation to the facts that have been brought before you.

Now, we have had some evidence as to how these strikes are called, and of how some of the labor leaders regard the men who are honestly working in their unions. One of them spoke of the workmen as a lot of damn fools that did not know what they were doing, and another spoke of them as suckers. I wonder if the workers of this country realized what a position they placed themselves in under the domination of men of that type. They are addressed on the platform as though they were a lot of ill-used men. They are spoken of as slaves. Well, it must have occurred to you, gentlemen, as it has to me, that in a very real sense of the word they have shown themselves to be slaves; but who are their masters? Not their employers. They had not complained to their employers. There was not any complaint about wages or conditions of service, but the true slave driver was the labor leader who cracked the whip and ordered them out on strike when they had not a single complaint. That is what happened in this strike. I do not think anybody who realizes this state of affairs would find fault in terming that conspiracy at Calgary a most infamous conspiracy. Now, what connection at all had the accused, Mr. Dixon with that? As I said before, he is not being tried for conspiracy. He is being tried for writing three articles which may or may not, according to the view you take of them, be considered as seditious libel.

It is quite possible that a man of not very refined tastes, still knowing how to write a little, might have written these articles with a sort of honest desire to clear things up; but Mr. Dixon has shown himself before you to be a man of much higher attainments than ordinarily. He is able to quote to you from Milton and the Bible and various documents, showing that he is a student and a well educated man. The articles do not do him much credit in that respect, judged from the rough and ready style in which they are written and the expressions he has used in that "Bloody Saturday" article. Men who want to really improve conditions in their neighborhood do not write that way. He chose to write that way to please men who were calling the workers suckers and damn fools and riff raff, and that sort of thing, and so I suppose he thought he was justified in doing this. But with what intention did he write them? A man might write like that and

have on honest intention at the time, and not a seditious one; on the other hand, the words he used were quite capable of bearing a seditious meaning, and it is for you to judge whether they do or not. It is for you to say whether they were calculated to stir up hatred and disaffection, and possibly insurrection, in this town, if people felt themselves to be down trodden, if the authorities would send a lot of murderous police into their midst and shoot them down in the way the article puts it.

As to Mr. Dixon's connection with the conspiracy, you have some evidence of and it is very strong—he was present almost at its birth. It was born in Quebec, but the three resolutions were passed here at the Walker Theatre, and Mr. Dixon was the seconder of one of these resolutions.

What would likely be the nature of a man like that, having got on the platform with such men as Ivens, George Armstrong, R. B. Russell and Sam Blumenberg, every one of them proved here before you to be seditious?

Was Dixon likely or not to keep his eye on the resolutions and see whether anything would come of them? He was hand and glove with the men who were conspirators. Well, we have not much evidence between December and March, when the Calgary conference took place. I am not sure whether there were any meetings; I think perhaps there were, but when the Calgary convention was over (at which Mr. Dixon did not attend), all the proceedings that had been taken down were published verbatim, published here in Winnipeg, and it is said that 20,000 copies of them were distributed. Now, Mr. Dixon, in his address to you this morning, admitted there was no secrecy about the Calgary convention. Twenty thousand copies were published, so that it is reasonable to suppose that he made himself thoroughly acquainted with all that had taken place at Calgary. If so, what is the inference from that? No matter how loyal a citizen he might be at the start, what about those men at Calgary? They were going to upset all our industries and take them over and have a Soviet government worked on Bolshevik lines or O.B.U. lines, and all the rest of it. Did he realize that, and if so did he complain of it? Did he take the stand that every honest man is bound to take if he hears and knows of a conspiracy, and communicate with the authorities to have the criminals brought to justice? What does he do?

Dixon, Russell, Ivens, and Robinson all appear at a meeting, quite friendly with those fellows, where it is said that there was a bigger thing to come—the big thing is said to be a Soviet government, and crush all industry. Then, on the 15th May, the strike took place. On the 16th of May Dixon went down and addressed the telephone girls. What would you expect from a man trying to preserve peace and order and make things right? Would he not naturally say: "Well, what is the matter with you? Are you not satisfied with your wages?" Oh, no! He goes down and urges them to keep up if they had already joined, and if not to join—to join this illegal strike. He goes down and urges them personally to do that.

Then again, on the 26th May, he goes down to a meeting with this man Ivens, this sanctimonious preacher—it makes your blood boil when you hear what this man did—going down to a so-called labor church and offering a prayer to the Almighty and then starting in to create nothing but hatred and discord and animosity between the people who surround him. It is an awful thing to think a man would do that. Of course, a man is not to be held responsible for the opinions expressed by all his friends, but Ivens was not too bad a man for Dixon to associate with, and so he goes down on the 26th of May.

Then, on the 1st of June, Dixon goes with Ivens and Clancey to another meeting. Is he wholly ignorant of what is going on? Is he still under the same impression that nothing but law and order is to be observed, and all the rest of it? Does not he know by this time what the conspirators at Calgary had in view? Is it possible that he knew but did not agree with them? That is for you to say, gentlemen, not for me; it is for you to say what you think.

On the 6th June Ivens, Bray, Queen and Dixon again. He has not shaken them off yet—Woodsworth, Dixon and Robinson.

Now, gentlemen, you have to use your common sense when dealing with a case of this kind, and no matter what construction is placed before you in the matter, you must use your common sense, and say here is the man who comes forward with so much skill and ability and cleverness; is he really the kind of man he would have us believe? If so, what does



he mean by associating with fellows of this kind on the platform and advocating ideas with the end in view which the Calgary conference had? The most I can say in respect of that is that it is possible, but I can hardly say even that.

Now, with regard to the rights of the men that belonged to unions and all the men who did not belong to unions, I would like to tell you what the position is, for you have to take these things to a certain extent into account in judging of the state of affairs regarding this strike. I am now referring to a case decided by Baron Bramwell, *Regina vs. Druitt*, reported in 10 Cox's Criminal Cases (pages 600 and 601).

Now, this is what Baron Bramwell says: "Having made these general remarks, he would make another, which was also familiar to all Englishmen—namely, that there was no right in this country under our laws so sacred as the right of personal liberty. No right of property or capital, about which there had been so much declamation, was so sacred or so carefully guarded by the law of this land as that of personal liberty. They were quite aware of the pains taken by the common law, by the writ, as it was called, of *habeas corpus*, and supplemented by statute, to secure to every man his personal freedom—that he should not be put in prison without lawful cause, and that if he was he should be brought before a competent magistrate within a given time and be set at liberty or undergo punishment. But that liberty was not liberty of the body only. It was also a liberty of the mind and will, and the liberty of a man's mind and will, to say how he should bestow himself and his means, his talents and his industry, was as much a subject of the law's protection as was that of his body. Generally speaking, the way in which people had endeavored to control the operation of the minds of men was by putting restraint on their bodies, and therefore we had not so many instances in which the liberty of the mind was vindicated as was that of the body. Still, if any set of men agreed among themselves to coerce that liberty of mind and thought by compulsion and restraint, they would be guilty of a criminal offence, namely, that of conspiring against the liberty of mind and freedom of will of those towards whom they so conducted themselves. He was referring to coercion or compulsion—something that was unpleasant and annoying to the mind operated upon; and he laid it down as clear and undoubted law that if two or more per-

sons agreed that they would by such means co-operate together against that liberty they would be guilty of an indictable offence."

Now, gentlemen, that is the law of Canada today. No one had a right, if you have somebody coming to work for you—nobody has a right to interfere with you. If a man is engaged in some industry here, if he is called a scab, the chances are it will lead to a breach of the peace. Why should not a man be at liberty to dispose of his labor as he sees fit? People who go into these unions are overridden by the people who manage these unions and their affairs, very much against their own will.

Under the law of the land; no trade union has a right to say to you, "Don't you go to work—we will not allow you," and if you do call you a scab. People willing to go to work are freely allowed to do so, but in the late strike there were 35,000 people on strike; numbers of whom were quite willing to work. That is the state of affairs brought on by that conspiracy hatched in Quebec and the Walker Theatre and consummated in Calgary. Did the accused Dixon know about that? The strike seemed to be going rather against the unions at the time he wrote these letters; was it the intention to incite them to further unlawful acts? All their acts up to that time had been unlawful; they had no right to cut off the bread and milk from the people of this town or stop the postal authorities or call out the policemen; they had no right to do any of these things. Their whole conduct was illegal from beginning to end. At that particular time this man Dixon writes these articles. Did he do so with the honest intent of calling attention to certain abuses of the government or was he intending to stir up those misguided men who were out on strike and perpetuate the hatred and ill-will that had been already raised amongst the citizens? Was that his intention? I do not know there is anything else I need point out to you, except this—in all these matters the law leans on the side of the accused. If you have any real doubt in your mind as to his intention it will be your duty to give him the benefit of the doubt. If, on the other hand, you are quite satisfied that these articles were written with the intention of furthering the conspiracy that had already occurred, and taking part in that and helping those men who were carrying it out, you cannot avoid coming to the conclusion that his intention was a seditious one; if so, you will not hesitate to

find him guilty. It is a lamentable state of affairs that we have a case of a member of our local legislature on trial, but our law calls for no distinction of that kind; we have got to obey the laws of this country, and if we do not we have got to suffer for them, no matter who we are.

Consider the circumstances carefully; take with you what papers and books you like and weigh carefully, if you have not already pretty well made up your minds one way or the other, and if you have any reasonable doubt, it has got to be a really substantial doubt, not an imaginary one, you must give the accused the benefit of it.

You cannot fail to bear in mind the circumstances to which I have drawn your attention, or the horrors imposed upon this city, and from which we were only saved by the pluck and courage and self-denial of the citizens who did not belong to the unions. Now you will retire and consider your verdict.

4.50 p.m. The jury having retired,

Mr. Phillipps: My lord, may I call your lordship's attention to one statement made by your lordship in reference to the taking of a certain vote and the method by which it was taken? I think your lordship remembers you said there were 140 votes and 60 one way and 80 the other.

The Court: Eighty votes; 20 against and 60 for.

Mr. Phillipps: The point I wish to bring to your lordship's attention was this: I think your lordship indicated to the jury that that had reference to the strike vote, whereas perhaps your lordship may have overlooked the fact it was given so stated at the Calgary conference, and was then expressed as an illustration of what had taken place on some previous occasion.

The Court: Yes; I intended it only as an illustration.

Mr. Phillipps: I rather thought the jury might have taken that as the particular method in regard to the strike vote here.

The Court: That is what I understood. That did not occur. I only gave it as an illustration.

Mr. Phillipps: There is one matter I should like your lordship to instruct the jury on, and that is that the libel must either itself express seditious intention or that the jury should consider whether it is calculated to have the effect of inciting class against class, or any one of the several conditions that go to make up sedition.

The Court: I thought I put that pretty clearly.

Mr. Phillipps: My learned colleagues with me thought you did not put that to the jury that they should consider whether the articles, the individual three articles, and if so each and any or all of them were calculated to induce or excite any one of these things which go to make up or had a tendency to produce any one of these factors which go to make up sedition. If your lordship so instructs the jury I would like to mention to your lordship that you mentioned to the jury that very little took place after the Walker Theatre meeting until the Calgary conference in March, whereas there is in evidence the minutes of the Trades and Labor Council in Robinson's handwriting a determination to call a general strike for three specific things, and that was before the Calgary conference and after the Walker Theatre meeting, and is so expressed, and the fact that that was known as exhibited in the letter of January 22 or 25 that was written by Russell.

The Court: Yes, but was Dixon at that meeting?

Mr. Phillipps: No; he had been at the Walker Theatre meeting, my lord, and the Trades and Labor Council had themselves passed that resolution favoring a general strike for the three same resolutions passed at the Walker Theatre.

The Court: The first thing was the illustration of the union of 400.

Mr. Phillipps: Yes, that was, my lord, mentioned as an illustration.

The Court: Yes, the second.



Mr. Phillipps: The second was that the libels may either express an intention in themselves or they may be calculated to have them effected to have any one of the several seditious effects.

The Court: I do not think I told them that according to the circumstances under which and with the knowledge that the writer had.

Mr. Phillipps: What I had more in mind, my lord, was this—a man may read an article and really, after all, from one aspect it is immaterial whether it is the intent at all if the article itself is calculated to produce an effect, even if it had no tendency which the jury will say have a tendency, then he may be found guilty. They have to consider these three estimates. Then the last matter I wanted your lordship to direct the jury's attention to—there were three meetings at the Walker Theatre. Your lordship instructed that nothing of any particular moment took place until the Calgary conference. I would respectfully ask your lordship to direct the jury's attention to the fact that there is evidence that the Trades and Labor Council of Winnipeg, when instructing the delegates to the Calgary convention, instructed them in respect of the same three resolutions, and there is evidence from which may be drawn the inference that the accused was present on that occasion; although mentioned by name Dixon, and not by initial.

The Court: Well, does that carry it any further than the very same three resolutions coming up at Calgary?

Mr. Phillipps: Well, my lord, I just mentioned—

The Court: Unless Dixon was there.

Mr. Phillipps: The accused stated to the jury that he was there, and spoke at the Industrial Bureau.

The Court: At that very meeting?

Mr. Phillipps: That was the only occasion that has been referred to in the evidence; that is in these minutes, and that was the occasion when the delegates were instructed to attend

the Calgary conference and were instructed to support at the Calgary conference the same resolutions.

Mr. Dixon: My lord, if they find I was not a member of the conspiracy, then they will not draw the inference of intent from all the evidence in regard to the conspiracy.

The Court: Yes, I will go further in your favor than that; I will tell them that even if you were a member merely for the purpose of showing your intent on this other occasion that you would not be bound by things that went on behind your back like an ordinary conspirator would. What was the particular thing I spoke of?

Mr. Dixon: The particular question was if the jury found I was a member of the conspiracy will you ask them not to draw any inference of intent from all the evidence of conspiracy, and the matter Mr. Phillipps referred to about the Trades and Labor Council instructing the delegates. It is true I admitted I was present; I am not sure I was at that meeting to discuss the Industrial Commission Bill, but there is no evidence to show I was present when these delegates were instructed, and no evidence to show I was a member of the Trades and Labor Council.

5.03—Jury recalled to court room.

The Court: Gentlemen of the jury, there are one or two matters I have been asked to clear up to you that I may have made a mistake in or omitted. One was, Mr. Phillipps points out, I told you a case of one union of 400 where only 80 voted—20 for and 60 against striking. That was not an actual case of the strike here. It was only an illustration given from another part of the evidence given at Calgary in the discussions up there. It was not a case of any particular union here. The thing may have occurred; in fact, we have the evidence of a vast number—I think 800 unions—but a very small percentage of them actually voted in connection with the strike—a very small minority. So there may have been some other cases like that. I only gave it by way of illustration. Then, with regard to the expression of intention in the article itself. Of course, if an article plainly and on the face of it expresses a seditious intention, there is no trouble at all about it, but it may very

well be that an article may be highly seditious under the circumstances in which it was written or at the time, and you would be justified in finding it was a seditious libel. It is not necessary for it to appear absolutely on the face of it, as Mr. Dixon is trying to show you.

Then I was asked also, after the meeting at the Walker Theatre, nothing else occurred that Mr. Dixon was involved in until the Calgary convention; well, that is not quite so, because it turns out, you will remember, there was a meeting of the Trades and Labor Council before the Calgary convention, when the delegates were instructed as to their duties in going to Calgary, and it was admitted by Mr. Dixon this morning to you that he was present—that he was the Dixon, and he went there for the purpose of either discussing the Industrial Commission; it was not his business to listen to these instructions. Whether or not he heard them does not appear. But he was present at that meeting for a certain length of time.

Then Dixon asks me himself to tell you that if you find he was not a member of the conspiracy that you must not draw inference of his intent from the facts of the conspiracy. Well, that is certainly so. If you find he was not a member of that conspiracy, you should not draw any inference, and not only should you not do so of things he did not actually take part in, but even if you found he was a member of the conspiracy, I would ask you and instruct you not to take into account anything done behind his back and without his knowledge unless you find that he consented to them in some way afterwards. An ordinary conspirator would be bound, but in this case the facts relating to conspiracy have only been received in evidence in order to show the actual intent with which these articles were written.

Now, you can readily see it would be unfair for a man to be affected by the intent to do a certain thing by reason of something that he never heard of; therefore, it is only the matters which either Mr. Dixon himself took part in—like these meetings that he personally attended and information that he must have got through his connection with the paper and with its publication, and with the 20,000 copies of the Calgary meeting, and so forth. It is only such things as that that you will be entitled to look at, and of course his own personal connection

in supporting the strike, not only at the time of the strike and afterwards, but right here in court before you, gentlemen. He has come and supported it all the way through. All that you are entitled to look at. That is all I have to say.

5.10 p.m.—Jury retire.

6.15 p.m.—Court adjourned until 8.30 p.m.

8.30 p.m.—Court resumed.

8.45 p.m.—Jury return and request that they be given until 10 o'clock on Monday morning next, February 16, to further consider their verdict.

Court adjourned at 8.50 until Monday morning next at 10 o'clock.

February 16th, 1920.

Court resumed this morning at 10 a.m.  
Roll call of jury.

Clerk of the Court: Gentlemen of the Jury, have you agreed upon your verdict, and if so who shall speak for you?

Foreman of the Jury: We have.

Clerk of the Court: How say you? Do you find the prisoner guilty or not guilty on the first charge?

Foreman of the Jury: Not guilty.

Clerk of the Court: How say you on the second count?

Foreman of the Jury: Not guilty.

Clerk of the Court: How say you on the third count?

Foreman of the Jury: Not guilty.

Clerk of the Court: And so say you all?



The Jury: Yes.

The Court (to the accused) : The jury, you have just heard, have found you not guilty in respect of any of these charges brought against you, and I congratulate you upon that verdict. At the same time I would like to warn you for the future against engaging in such transactions as you have taken part in—they lend a bad color to a man's actions, and probably led to this prosecution. You have shown by your demeanor here in court and by your address to the jury that you are a man of very considerable attainments, high abilities and a good deal of education. Such a man is likely and ought to be an honor to his country, and ought to be doing good amongst us. Whether from ignorance of the true circumstances or not, you certainly assisted in fomenting what I have found to be, and more than one judge has found to be, an absolutely illegal and unjustifiable strike, but in that you may simply have been mistaken in your ideas. But, the whole question before the court was as to whether you had been guilty of a seditious intent in writing those libels complained of, and you were able, fortunately, to point to several writings by your own pen which showed that certainly on other occasions you had recommended ordinary constitutional action. That is, of course, quite allowable and praiseworthy, and any fair criticism of the government is perfectly allowable in this country, and free speech is, of course, allowable under our constitutional right, but I do hope that in the future you will cease to ally yourself with such men as those conspirators, for I can call them no less, who took part in the Calgary conference. You were not there, it is true, and the only connection you could have had was that you would know of all these proceedings and approve them. Well, you were not there, and the jury have accordingly acquitted you. I congratulate you upon it, and hope that never again will a man of your attainments, education and power in the community come before a court on such a charge as this. You are discharged.

The Court (to the jurors) : Gentlemen of the Jury, you are discharged also. I congratulate you in getting through such a lengthy case.

Court then adjourned.

